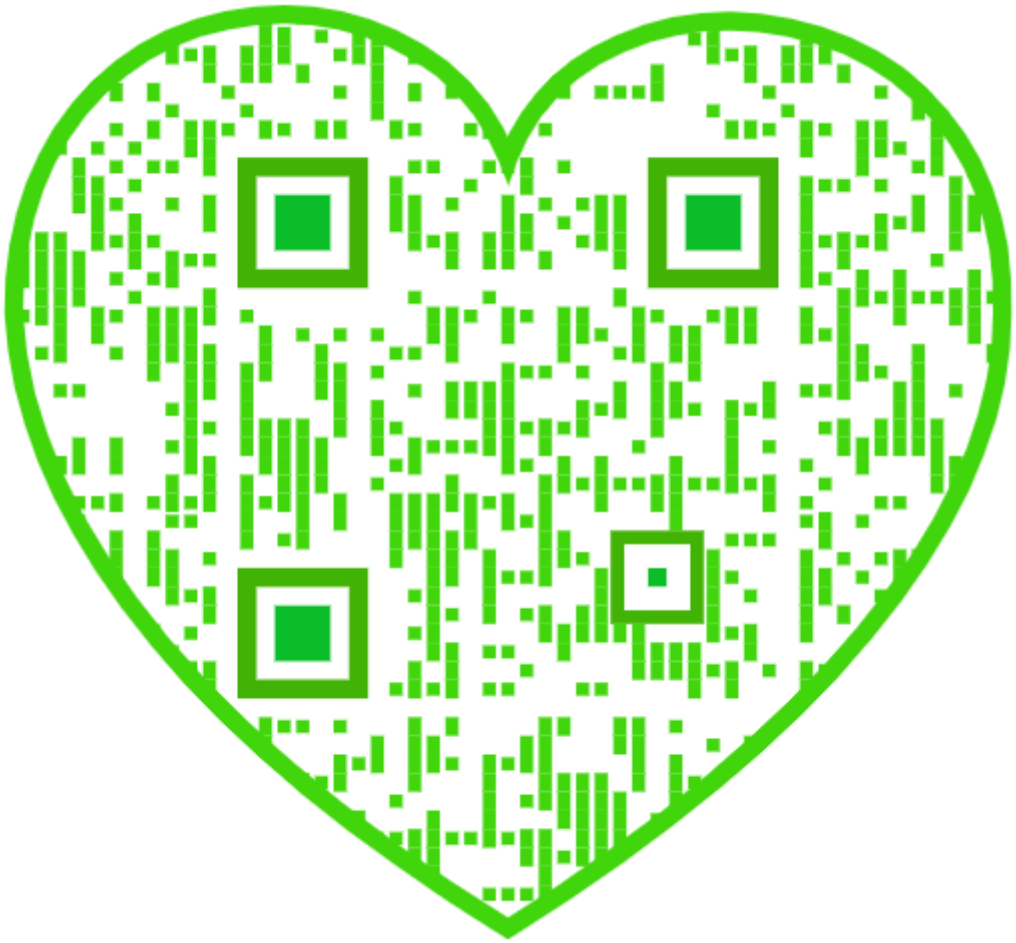

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LIFE OF

JOHN CALDWELL CALHOUN

BY

JOHN S. JENKINS

ABRIDGED AND EDITED FOR THIS SERIES BY

JOHN R. HOWARD

JOHN C. CALHOUN

MAKERS OF AMERICAN HISTORY

JOHN CALDWELL CALHOUN

BY

JOHN S. JENKINS

DANIEL WEBSTER

BY

EDWARD EVERETT

HENRY CLAY

BY

EPES SARGENT AND HORACE GREELEY

THE UNIVERSITY SOCIETY
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EDITOR'S PREFACE

CALHOUN, Webster, and Clay were by far the ablest public men of their generation. The three were born, flourished, and died in singular coincidence of dates, Calhoun's lifetime being from 1782 to 1850, Webster's from 1782 to 1852, and Clay's from 1777 to 1852. The first two may be said to have represented, at the time of their greatest activity, the extremes of the political discussions of their day, and Mr. Clay, the middle-ground of attempted reconciliation.

The biography of Mr. Calhoun, selected for this series, was written by a warm friend and devoted adherent of the subject of the memoir; and by this choice the publishers offer the advantage of a sympathetic view of the ideas and aims of the man to be studied. On the other hand, any portrayal of a man powerful in political life is sure to contain a great amount of detail which rapidly fades out of the public interest as his generation recedes into the past. Personal disagreements and conflicts, explanations of misunderstandings, justifications of this or that deed or word, important in its time, but now long forgotten; extracts from speeches to illustrate political views or personal characteristics which time has now established, etc.—these and similar superfluities

have been cut out of this earnest and interesting recital of Mr. Calhoun's activities. The main line of narrative, however, and the political preferences and even prejudices of the author—a man writing from the heart and intensely in earnest—have been scrupulously preserved.

The author, Mr. John S. Jenkins, was a Southern historical writer, well equipped for presenting the peculiarly Southern view, which he had done before in his "History of the War with Mexico" and his "Life of James K. Polk," the President under whom that war was waged. In this memoir he gives a compact and useful sketch of the greatest of the great Southerners who have served illustriously in the Senate of the United States.

AUTHOR'S PREFACE

For about forty years, Mr. Calhoun was one of the most prominent statesmen in the American Union, and during that long period their history is woven together. No important question was agitated since he first entered Congress in which he did not participate or with which he was not in some way or other connected. His biography, therefore, if told aright should be full of interest to the American reader.

I have been aware of the difficulties and embarrassments in the way of preparing a memoir that would be acceptable to both of the parties occupying extreme grounds on the sectional question with which Mr. Calhoun was identified. It has been my aim, however, to present all things truly; and, having done this, to rely upon the generous kindness of the public. . . .

Mr. Calhoun was emphatically a great man,—a model statesman,—one of those who visit us, like angels, "few and far between." He lived in eventful times, and his history is full of important incidents. A minute account, therefore, of the details of his life would require a much larger volume than the present. But it is the design of this work to exhibit his character with sufficient distinctness to satisfy

the general reader and faithfully to represent his course and position with reference to the important questions that arose during his public career. . . .

No apology need be offered for occupying so large a space with the history of Nullification. It was the great episode in the life of Mr. Calhoun, and the principle of State interposition, or State veto, was very dear to him. "If you should ask me the word," said he, "that I would wish engraven on my tombstone, it is NULLIFICATION."

JOHN CALDWELL CALHOUN

CHAPTER I

Ancestors.—His Father.—Characteristic Traits.—His Birth.

The paternal ancestors of Mr. Calhoun came originally from Ireland, that fruitful hive from which sprung most of the early inhabitants of the eastern slopes of the Alleghany Mountains. His grandfather emigrated with his family to Pennsylvania in the year 1733; they afterward removed to Virginia, and in 1756 finally established themselves permanently in the province of South Carolina, near the base of the Blue Ridge, and in the fine healthy region drained by the tributaries of the Savannah River.

His father, Patrick Calhoun, was born in Donegal, but was a mere child when the family left Ireland. Accustomed from his earliest years to sights and scenes well calculated to heighten the natural daring of his spirit, and to render him courageous and self-reliant; familiar with hardship and privation, with war and bloodshed; he was distinguished for his boldness and intrepidity, his determined energy, and his manly independence,—traits which were reproduced and reëxemplified in the life and character of

his distinguished son. The family were driven from their temporary home in Virginia by the hordes of ruthless savages let loose upon the frontier settlements in consequence of the defeat of Braddock, and in the hostile encounters that took place previous to their removal, Patrick was old enough to take a prominent part. He subsequently participated in the frequent skirmishes between the white settlers of South Carolina and the Cherokee Indians previous to and during the Revolution. For a long time he commanded a company of rangers, who did good service in keeping off the marauders that hovered upon the borders of the infant colony, seeking an opportunity to plunder and destroy.

His occupation was that of a farmer or planter, and he resided upon and cultivated the same place where his father's family first settled, and which now belongs to the heirs of his youngest son. He was married in 1770 to a young lady, whose maiden name was Caldwell, and who was a native of Charlotte County, Virginia. Her father was a Scotch-Irish Presbyterian, and was one of the founders of the settlement on Cub Creek.

The elder Mr. Calhoun was an industrious and enterprising citizen. To great natural shrewdness he added an inquiring disposition, and a boldness and independence of sentiment that were rarely imitated. He thought, and spoke, and acted for himself. He was a Whig in principle long before the Revolution, and when the crisis came, he did not hesitate publicly to make profession of " the faith that was in him." He battled manfully against the Tories; he con-

tended with them in speech; and at the head of his rangers aided essentially in putting them down with the strong hand. Both the Caldwells and the Calhouns were active and zealous Whigs. As such, they were the peculiar objects of the red man's hate and the Tory's vengeance.

Patrick Calhoun was a man of entire self-confidence and great independence of opinion and of character. He once appeared as his own advocate in a case in Virginia, in which he recovered a tract of land in despite of the regularly-trained disputants, who sought to embarrass and defeat him. He opposed the Federal Constitution, because, as he said, it permitted other people than those of South Carolina to tax the people of South Carolina, and thus allowed taxation without representation, which was a violation of the fundamental principle of the revolutionary struggle.

" We have heard his son say," writes a biographer of John C. Calhoun, " that among his earliest recollections was one of a conversation when he was nine years of age, in which his father maintained that government to be best which allowed the largest amount of individual liberty compatible with social order and tranquillity, and insisted that the improvements in political science would be found to consist in throwing off many of the restraints then imposed by law, and deemed necessary to an organized society. It may well be supposed that his son John was an attentive and eager auditor, and such lessons as these must doubtless have served to encourage that free spirit of inquiry, and that intrepid zeal for

truth, for which he has been so much distinguished. The mode of thinking which was thus encouraged may, perhaps, have compensated in some degree for the want of those early advantages which are generally deemed indispensable to great intellectual progress.

Patrick Calhoun died in 1795. His wife was a woman of rare excellence, whose many virtues endeared her to all that knew her, and are still held in grateful remembrance by those who witnessed the evidences of her worth and profited by her kindness. They had five children, four sons and a daughter, of whom JOHN CALDWELL CALHOUN was the youngest save one. He was born in Abbeville District, South Carolina, at the residence of his father, on the 18th of March, 1782, and was named after his maternal uncle, Major John Caldwell, who was murdered by the Tories.

CHAPTER II

Education.—Professional Reputation.—Politics.—State Legislature.—Congress.

Born and nurtured amid the closing scenes of the Revolution, and when its dying thunders were still heard faintly echoing in the distance, the stirring incidents of that protracted contest, and the legends and traditions of border warfare, were among the first and earliest recollections of young Calhoun. They were often recounted in his hearing, and left their impress upon his character, in its sternness, and what might almost be called its harshness. He inherited, too, from his father, the active energy, firmness and determination, that characterized him, and from his mother's family, their ardency of feeling, and their high-toned and impulsive enthusiasm. When a lad he was remarked for his thoughtful disposition, his quickness of apprehension, his decision of character, and his steady and untiring perseverance in the accomplishment of any plan he had conceived, or in the pursuit of any object which he desired to secure.

Mr. Calhoun was indebted for the most part to his father and mother for the information acquired in his youth. There were few or no schools in the sparsely settled district where they resided, and the only branches of education taught in them were

reading, writing, and arithmetic. When he was old enough they sent him to an ordinary country school, at which he learned all that his teacher could communicate. These draughts from the fountain, turbid though it was, created a thirst for more; but as there was not a single academy in the whole upper region of the State, and none within fifty miles, except in Columbia County, Georgia, of which Mr. Waddell, a Presbyterian clergyman who had married his sister, was the principal.

At the age of thirteen he was placed under the care of his brother-in-law, and commenced a course of study in the higher branches. He had but just made a beginning in this new occupation, with which he was perfectly delighted, when the death of his father took place. His sister shortly after died, and Mr. Waddell immediately discontinued his academy. John continued to reside with his brother-in-law; but as the latter was absent for the greater part of the time, engaged in the performance of clerical duties, he was left to depend upon his own resources for amusement. The plantation was in a remote district, and he had not a single white companion, with the exception, at intervals, of Mr. Waddell, and an occasional visitor.

His brother-in-law was the librarian of a small circulating library, and to this he at once resorted. Rollin's "Ancient History," Robertson's "Life of Charles V." and "History of America," and a translation of Voltaire's "Charles XII." first attracted his attention. Having despatched these volumes, he took up the large edition of Cook's "Voy-

ages," Brown's "Essays," and Locke on the "Understanding," the last of which he was unable to finish, for the reason that he had already overtasked his strength.

"All this was the work of but fourteen weeks. So intense was his application that his eyes became seriously affected, his countenance pallid, and his frame emaciated. His mother, alarmed at the intelligence of his health, sent for him home, where exercise and amusement soon restored his strength, and he acquired a fondness for hunting, fishing, and other country sports. Four years passed away in these pursuits, and in attention to the business of the farm while his elder brothers were absent, to the entire neglect of his education.

"About this time an incident occurred upon which turned his after life. His second brother, James, who had been placed at a counting-house in Charleston, returned to spend the summer of 1800 at home. John had determined to become a planter; but James, objecting to this, strongly urged him to acquire a good education, and pursue one of the learned professions. He replied that he was not averse to the course advised, but there were two difficulties in the way: one was to obtain the assent of his mother, without which he could not think of leaving her, and the other was the want of means. His property was small, and his resolution fixed: he would far rather be a planter than a half-informed physician or lawyer. With this determination, he could not bring his mind to select either without ample preparation; but if the consent of their mother should be freely

given, and he (James) thought he could so manage his property as to keep him in funds for seven years of study, preparatory to entering his profession, he would leave home and commence his education the next week. His mother and brother agreeing to his conditions, he accordingly left home the next week for the school of Dr. Waddell, who had married again, and resumed his academy in Columbia County, Georgia. This was in June, 1800, in the beginning of his nineteenth year, at which time it may be said he commenced his education, his tuition having been previously very imperfect, and confined to reading, writing, and arithmetic, in an ordinary country school. His progress here was so rapid that in two years he entered the junior class of Yale College, and graduated with distinction in 1804, just four years from the time he commenced his Latin grammar. He was highly esteemed by Dr. Dwight, then the president of the college, although they differed widely in politics, and at a time when political feelings were intensely bitter. The doctor was an ardent Federalist, and Mr. Calhoun was one of a very few, in a class of more than seventy, who had the firmness openly to avow and maintain the opinions of the Republican party, and, among others, that the people were the only legitimate source of political power. Dr. Dwight entertained a different opinion. In a recitation during the senior year, on the chapter in "Politics" in Paley's "Moral Philosophy," the doctor, with the intention of eliciting his opinion, propounded to Mr. Calhoun the question as to the legitimate source of power.

He did not decline an open and direct avowal of his opinion. A discussion ensued between them, which exhausted the time allotted for the recitation, and in which the pupil maintained his opinions with such vigor of argument and success, as to elicit from his distinguished teacher the declaration, in speaking of him to a friend, that the young man had talent enough to be President of the United States, which he accompanied by a prediction that he would one day attain that station." *

At the commencement, an English oration was assigned to Mr. Calhoun. The subject which he selected was—"The qualifications necessary to constitute a perfect statesman"—from which it may be inferred that he had already set his heart upon a political career, and that he loved to contemplate that *beau idéal* in statesmanship, which he afterward attempted to illustrate in his own career. Having taken his degree, he commenced the study of the law, which he regarded as the stepping-stone to the higher position at which he aimed. He spent three years in his legal studies, and in miscellaneous reading. For about half this time, he attended the celebrated law school at Litchfield, Connecticut, under the charge of Judge Reeve and Mr. Gould, at which so many of the most eminent members of the profession in the Northern and Southern States received their legal education. At this school he acquired and maintained a high reputation for ability and application, and in the debating society formed among its members, he successfully cultivated his talents for

* Biographical Sketch of Mr. Calhoun, 1843.

extemporary speaking, and in this respect is admitted to have excelled all his associates.

On leaving Litchfield, Mr. Calhoun repaired to Charleston, and entered the office of Mr. De Saussure, subsequently Chancellor of South Carolina, in order to familiarize himself with the statute laws of his State, and the practice of the courts. In the office of Mr. De Saussure, and of Mr. George Bowie, of Abbeville, he completed his studies. He then presented himself for examination, was duly admitted to the bar in 1807, and commenced practice in the Abbeville District. He immediately took a place in the front rank of his profession, among the ablest and most experienced of its members.

"While he was yet a student," says the memoir before quoted, "after his return from Litchfield to Abbeville, an incident occurred which agitated the whole Union, and contributed to give to Mr. Calhoun's life, at that early period, the political direction which it has ever since kept—the attack of the English frigate *Leopard* on the American frigate *Chesapeake*. It led to public meetings all over the Union, in which resolutions were passed expressive of the indignation of the people, and their firm resolve to stand by the government in whatever measure it might think proper to adopt to redress the outrage. At that called in his native district, he was appointed one of the committee to prepare a report and resolutions to be presented to a meeting to be convened to receive them on an appointed day. Mr. Calhoun was requested by the committee to prepare them, which he did so much to their satisfaction that

he was appointed to address the meeting on the occasion before the vote was taken on the resolutions. The meeting was large, and it was the first time he had ever appeared before the public. He acquitted himself with such success that his name was presented as a candidate for the State Legislature at the next election. He was elected at the head of the ticket, and at a time when the prejudice against lawyers was so strong in the district that no one of the profession who had offered for many years previously had ever succeeded. This was the commencement of his political life, and the first evidence he ever received of the confidence of the people of the State—a confidence which has continued ever since constantly increasing, without interruption or reaction, for the third of a century; and which, for its duration, universality, and strength may almost be said to be without a parallel in any other State, or in the case of any other public man.

"He served two sessions in the State Legislature. It was not long after he took his seat before he distinguished himself. Early in the session an informal meeting of the Republican portion of the members was called to nominate candidates for the places of President and Vice-President of the United States. Mr. Madison was nominated for the presidency without opposition. When the nomination for the vice-presidency was presented, Mr. Calhoun embraced the occasion to present his opinion in reference to coming events, as bearing on the nomination. He reviewed the state of the relations between the United States and Great Britain and France, the two

great belligerents which were then struggling for mastery, and in their struggle trampling on the rights of neutrals, and especially ours; he touched on the restrictive system which had been resorted to by the government to protect our rights, and expressed his doubt of its efficacy, and the conviction that a war with Great Britain would be unavoidable. 'It was,' he said, 'in this state of things, of the utmost importance that the ranks of the Republican party should be preserved undisturbed and unbroken by faction or discord.' He then adverted to the fact that a discontented portion of the party had given unequivocal evidence of rallying round the name of the venerable vice-president, George Clinton (whose re-nomination was proposed), and of whom he spoke highly; but he gave it as his opinion, that should he be nominated and reëlected, he would become the nucleus of all the discontented portion of the party, and thus make a formidable division in its ranks should the country be forced into war. These persons, he predicted, would ultimately rally under De Witt Clinton, the nephew, whom he described as a man of distinguished talents and aspiring disposition. To avoid the danger, he suggested for nomination the name of John Langdon, of New Hampshire, of whom he spoke highly both as to talents and patriotism.

"It was Mr. Calhoun's first effort in a public capacity. The manner and matter excited great applause; and when it is recollected that these remarks preceded the declaration of war more than three years, and how events happened according to his an-

ticipations, it affords a striking proof of that sagacity, at so early a period, for which he was afterwards so much distinguished. It at once gave him a stand among the most distinguished members of the Legislature. During the short period he remained a member, he originated and carried through several measures, which proved in practice to be salutary, and have become a permanent portion of the legislation of the State."

As is well known, the members of the twelfth Congress were generally selected with particular reference to the apprehended war with Great Britain. The prominent stand taken by Mr. Calhoun in the Legislature had drawn public attention to him, and the Republicans of his congressional district demanded his selection as their representative. He accordingly presented himself before the people for their suffrages, and in the fall of 1810 was elected by a triumphant majority over his opponent.

CHAPTER III

In the House of Representatives.—Support of Madison's Administration.—The Restrictive System.

The first session of the twelfth Congress commenced on the 4th day of November, 1811,—the two Houses having been called together, by executive proclamation, in advance of the regular day fixed upon by law for the commencement of the session, on account of the threatening aspect of affairs. Mr. Calhoun took his seat in the House of Representatives at the opening of the session. He was still a young man, being only in his thirtieth year, but he was not entirely unknown even among the many distinguished members of the House. His talents and the zeal and ability which he had often manifested in defending the administration, and advocating decisive measures of resistance in opposition to the grasping policy of Great Britain, induced his appointment by the then Speaker, Henry Clay, to the second place on the Committee of Foreign Affairs. The chairman of the committee was Peter B. Porter, of New York.

Mr. Calhoun's *début* as a speaker was made on the 19th of December, 1811, during the debate on the resolutions reported from the committee of which he was a member, in the month of November previous, authorizing immediate and active preparations for war. Able speeches in behalf of the resolutions had

already been delivered by Mr. Porter and Mr. Grundy, and it devolved on Mr. Calhoun to reply to the tirade of abuse and invective which the eloquent and versatile John Randolph had poured out on the policy shadowed forth in the resolutions.

Among his associates in the House of Representatives were many of the ablest men in the nation, who had either already become distinguished, or were advancing with rapid strides on the road to greatness. "In all the Congresses with which I have had any acquaintance since my entry into the service of the federal government," said Mr. Clay,—"in none, in my opinion, has been assembled such a galaxy of eminent and able men as were those Congresses which declared the war, and which immediately followed the peace." * First and foremost among them was the Speaker himself—Henry Clay, of Kentucky—the eloquent and impassioned orator; and beside him there were James Fisk of Vermont, the honest and independent; Peter B. Porter, of New York, the chivalrous and high-minded; John Randolph, the talented and eccentric; Langdon Cheves and William Lowndes, the eminent and able colleagues of Mr. Calhoun; Felix Grundy, of Tennessee, the skilful debater; Nathaniel Macon, the independent and fearless, but often impracticable politician; Josiah Quincy, of Massachusetts, the accomplished but vindictive partisan; and Timothy Pitkin, of Connecticut, the industrious and conscientious.

The maiden effort of Mr. Calhoun was not mere-

* Remarks of Mr. Clay in the U. S. Senate, April 1, 1850.

ly well received. Expressions of approbation were heard on every side, and it was as generally commended for its ability and eloquence, as for the patriotism of its sentiments. In allusion to this speech, and to the arguments offered in reply to Mr. Randolph, the experienced editor of the Richmond *Enquirer,* Thomas Ritchie, with much justice remarked: "Mr. Calhoun is clear and precise in his reasoning, marching up directly to the object of his attack, and felling down the errors of his opponent with the club of Hercules; not eloquent in his tropes and figures, but, like Fox, in the moral elevation of his sentiments; free from personality, yet full of those fine touches of indignation, which are the severest cut to a man of feeling. His speech, like a fine drawing, abounds in those lights and shades which set off each other: the cause of his country is robed in light, while her opponents are wrapped in darkness. It were a contracted wish that Mr. Calhoun were a Virginian; though, after the quota she has furnished with opposition talent, such a wish might be forgiven us. We beg leave to participate, as Americans and friends of our country, in the honors of South Carolina. We hail this young Carolinian as one of the master-spirits who stamp their names upon the age in which they live."

Having made one successful effort, Mr. Calhoun did not sit down in inglorious ease to repose on the laurels he had gained, but with increased ardor and eagerness pressed forward in the race.

Republican principles were firmly rooted in the mind of Mr. Calhoun,—too firmly for him to be

swerved from maintaining them, as he thought, in their pristine vigor and purity, by any considerations of mere party expediency. Nature never designed him for a partisan. He professed to belong to the Republican party, and supported its measures, where he did not regard them as conflicting with its principles, in all honesty and faith.

At an early period in his first session he acquired a highly honorable reputation for his fearless and independent conduct; and this he never lost even amid the many trying scenes of his subsequent life.

To the administration of Mr. Madison he in the main yielded a cordial and hearty support, not because he was attracted or awed by the influence of power, or seduced by the blandishments of executive favor and patronage, but simply for the reason that all its more prominent measures accorded with his own convictions and opinions with respect to the true policy of the country. Encouraged by the animating eloquence of Mr. Calhoun,—of Mr. Clay, Mr. Porter, and Mr. Grundy,—a bolder and more defiant tone was assumed by the Republican members of Congress at the session of 1811-12. Bills providing for the enlistment of twenty thousand men in the regular army; for repairing and equipping the frigates in ordinary and building new vessels; authorizing the President to accept the services of fifty thousand volunteers; and requiring the executives of the several States and territories to hold their respective quotas of one hundred thousand men fully organized, armed and equipped, in readiness to march at a moment's warning, were duly passed

with the approbation and vote of Mr. Calhoun; and in June, 1812, with the whole delegation from South Carolina, he supported the declaration of war.

In regard to the non-importation and embargo acts, or what is generally known as the restrictive system, Mr. Calhoun differed from the administration and from a great majority of his political friends. He opposed with great earnestness the continuance of the system, and in a speech distinguished by all the traits peculiar to his style of oratory, set forth the grounds of his opposition with great clearness and cogency.

CHAPTER IV

Results of the War.—United States Bank.—Currency.

So well pleased were the constituents of Mr. Calhoun with the manner in which he had discharged his duties as a member of Congress, during that important juncture in the affairs of the national government, the main incidents of which have been detailed, that he was returned without opposition, in the fall of 1812, and again in 1814, to the thirteenth and fourteenth Congresses.

Until the close of the war he remained the firm and steadfast advocate of decisive measures, yet when a favorable peace had been concluded he hailed it as the harbinger of good to the country, and especially as it was the signal of her release from the thraldom of foreign influence.

Mr. Calhoun was prominent in discussions of the final treaty with Great Britain, but his influence was chiefly marked in financial matters. Prominent among the unfortunate results of the war of 1812, was the prostration of public and private credit. When war was declared, business was generally depressed, and it did not revive again till the conclusion of the treaty of peace. The contest was emphatically one of self-defence on the part of the United States,—the very existence of the government was jeoparded,—and when she came out of the

struggle, she had saved little more than her nationality and her honor.

Soon after the actual declaration of war, the banks suspended specie payments, and immense losses were sustained by the government and by private individuals,—those of the former amounting, as has been estimated, to forty-six millions of dollars.* Loans for carrying on the war were made with great difficulty, and often at most ruinous rates. As the currency depreciated, the exchanges became deranged, and the prices of property rose and fell without any seeming regard for the laws which usually govern them. There was no financial barometer to indicate the changes that would take place. The nominal value of to-day might be increased or reduced from twenty-five to thirty per cent. to-morrow, without any ostensible cause. A want of steadiness prevailed everywhere; the stagnation of business was general; commerce was completely disordered; and hopeless and irremediable bankruptcy was apprehended.

When peace was declared, the actual resources of the country were found to be far more abundant and more promising than had been anticipated. Many of the most eminent financiers, forming their opinions upon the favorable effect produced, as was alleged, by the incorporation of a national bank in 1791, upon the disordered commerce and finances of the country at that period, desired to have a similar institution established, for the purpose of correcting the evils flowing from the war of 1812, in the same

* Report of Mr. McDuffie on the United States Bank (House of Representatives), April 13, 1830.

manner as those were corrected which grew out of the war of the Revolution.

All the efforts to procure a renewal of the charter of the old bank having failed, however, they rested undisturbed until the session of 1813-14, when a petition was presented in the House of Representatives from the city of New York, praying for the incorporation of a national bank, with a capital of thirty millions of dollars. The memorial was referred to the committee of ways and means who, in January, 1814, reported adversely to the prayer of the petition. The subjects of banking and the currency in general had attracted the attention of Mr. Calhoun to a considerable degree, but they were yet comparatively new to him. At this time he was favorably inclined toward a national bank, and on the 4th of February following, he offered a resolution instructing the committee of ways and means to inquire into the expediency of establishing a bank in the District of Columbia, to avoid the alleged unconstitutionality of Federal action within State limits.

The measure in various forms was debated for nearly a year. At the following session of Congress, commencing in December, 1815, the President recommended, in his annual message, that a uniform national currency should in some way be provided, and the Secretary of the Treasury repeated his suggestions, in a somewhat modified form, in regard to a national bank. That portion of the President's message having reference to a uniform national currency, was referred to a select committee of which Mr. Calhoun was made chairman.

On the 8th of January, 1816, Mr. Calhoun made an able and elaborate report from the committee on the currency, accompanied with a bill for the incorporation of a national bank, as "the most certain means of restoring to the nation a specie currency." This bill, with some few modifications, in March, 1816, became a law, and was known as the bank charter of 1816.

CHAPTER V

Consistency of Mr. Calhoun.—Resolution of 1816.—Direct Tax. —Tariff Act.—Military Academy.—Compensation Act.

Few among modern statesmen have maintained a higher character for consistency than Mr. Calhoun. As has been remarked, he set aside the question of the constitutionality of a national bank, when the subject was first presented to him, and advocated the establishment of such an institution, in order to put an end to the suspension of specie payments, and to restore to the people the national currency—that of gold and silver—alone recognized by the constitution, of which they had been for years deprived. He never lost sight of this great principle in regard to the constitutional currency, and in furtherance of it, earnestly supported, and voted for, the resolution of 1816, which provided that specie, or the notes of banks paying specie, should alone be received in payment of government dues. This was the first step taken toward the entire separation of the general government from the banking system,—a measure which he lived to see accomplished, and, in no small degree, through his own disinterested and untiring efforts.

Two other most important questions, intimately connected with each other, and with the finances of the country, were agitated at the session of 1815-16.

At an early day in the session, Mr. Lowndes, as the chairman of the committee of ways and means, reported a series of resolutions, providing for the continuance, for a limited period, of the direct tax which had been imposed on account of the exigencies of the war, and contemplating the establishment of a new tariff of duties. The direct tax was ordered to be continued by a vote of the House, Mr. Calhoun voting with the majority. In regard to a new tariff there was, perhaps, more diversity of opinion as to minor details, but not so much as to the general principle. In March, 1816, the tariff act of that year was reported from the committee of ways and means, and received the support of Mr. Calhoun. Probably no one act of his life has been more severely criticised and censured than his connection with the tariff of 1816.

His speech on the question was an unpremeditated effort, made on the spur of the occasion, upon the particular and urgent request of his friend Mr. Ingham, of Pennsylvania. The tariff bill was then under discussion, and the House had fallen into confusion. Mr. Calhoun was not a frequent speaker, but was always listened to with great deference and respect. He was therefore entreated to make some remarks, that order and tranquillity might be restored. He had been engaged in writing at his desk, and had made no preparation for the debate. Moreover, his time and attention had been so completely taken up with his appropriate duties on the currency committee that he had reflected but little on the merits of the tariff question. His remarks were,

consequently, of a general character, and only designed to present the leading and more striking considerations in favor of the proposed law.

It is undoubtedly true that this subject was a new one in so far as the protective policy was concerned —for previous tariff acts had been based on revenue principles—and if Mr. Calhoun erred in giving the measure his support, it must be attributed to that fact. But he would never himself admit, that there was anything inconsistent in his course on this occasion, as contrasted with his subsequent action.

The political aspect of the tariff question in 1816, was, indeed, very different from what it afterward became. The interests affected by the law that year, and the circumstances attending its passage, were peculiar. From 1792 to 1805, the United States enjoyed a degree of commercial prosperity without parallel in their history. The desolating wars in Europe, and the conflict with Great Britain, put an end to this era of successful commerce, and the capital which had been so profitably employed was now driven into other channels. Manufacturing establishments sprung up in the Northern and Eastern States, and under the influence of the non-intercourse policy they were highly prosperous. But when peace came, and our markets were again opened to foreign importations, it was not expected by anyone that they would be able to sustain themselves against the competition which they would be obliged to encounter. It was then urged, and with a great deal of plausibility, that the infant manufactures of the country, hitherto fostered and sustained by the existence of

the war, were deserving of *encouragement*—not *protection,* be it remembered—and that this could be afforded in no better way than by a tariff law enacted for the purpose of raising the revenue needed for the support of the government.

Mr. Calhoun never denied the power of Congress to impose duties for revenue, nor that the favorable effects of such imposition on the manufacturing interest might be properly taken into consideration in the enactment of tariff laws. Such were his opinions in 1816, and they were never changed at any period of his life. Coming from a State whose great staples were not all required for home consumption, but were driven in part to seek a foreign market, where the prices realized for the surplus governed the value of the whole, the position which he occupied on the tariff question, and which South Carolina held through him, was a most magnanimous one.

CHAPTER VI

Secretary of War.—Missouri Compromise.—Tariff Act of 1824. —Chosen Vice-President.—Reëlected.

With the 3rd day of March, 1817, closed the period of Mr. Calhoun's service in the popular branch of Congress. He had been chosen for another term, but at the time of his reëlection he did not anticipate the honors which Fortune had in store for him.

Although he had been in Congress but for the short period of six years, his character was known and understood in every part of the country. His friends and admirers were numerous, and the new President entertained a high opinion of his talents and integrity. "Shortly before the meeting of Congress at the next session, [in December, 1817,] he received an invitation from Mr. Monroe to take a place in his cabinet as Secretary of War. It was unsolicited and unexpected.

"Thus, after six years of distinguished services in Congress, during which Mr. Calhoun bore a prominent and efficient part in originating and supporting all the measures necessary to carry the country through one of the most trying and difficult periods of its existence, and had displayed throughout great

ability as a legislator and a speaker, we find him in a new scene, where his talents for business and administration for the first time are to be tried.

To trace his acts through the period of more than seven years, during which Mr. Calhoun remained in the war-office, would be tedious, and occupy more space than the object of this sketch would justify. The results, which, after all, are the best tests of the system and the efficiency of an administration, must be taken as a substitute. Suffice it, then, to say, that when he came into office, he found it in a state of chaos, and left it, even in the opinion of opponents, in complete organization and order.

In every branch of his duties as the presiding officer of the war department, Mr. Calhoun did the State good service; and the influence of his clear mind, his precision and love of order, his punctuality and integrity, was felt by all his subordinate officers and agents. The improvements which he introduced were not evanescent in their character, nor of temporary duration; but they were designed to be permanent, and the sequel proved them such in reality.

From his position as a member of the cabinet, and the necessity of devoting his whole time to the performance of his official duties, Mr. Calhoun had little leisure, as he had not much inclination, for participating in the strifes and contests upon the various political questions agitated during the administration of Mr. Monroe. Though averse to the legislation by Congress on the subject of domestic slavery, he approved of the course of Mr. Monroe in regard to the Missouri compromise, viewing it strictly as a meas-

ure of conciliation and peace; but his opinions on the subject were afterwards changed.

The tariff question was again presented under this administration. The act of 1816 contemplated a reduction of duties in 1819. But Mr. Monroe, against the advice of Mr. Calhoun, was finally induced to recommend additional encouragement, and at length the act of 1824, which established an average rate of duties of about thirty-eight per cent. was passed. This bill originated with the iron manufacturers of Pennsylvania and the other Middle States, who had recently held a convention at Pittsburg, but it was not countenanced or approved by the manufacturers of the Eastern and Southern States.

From the peculiar circumstances attending the contest for the presidency in 1824, it was characterized by as much asperity and virulence as was usual on such occasions, if not more. The course pursued by the Federal party in relation to the war of 1812 had completely alienated from them the affections of the people, and their organization was almost entirely lost during the "era of good feeling" introduced by Mr. Monroe. The party as a party split into fragments. Many still continued to adhere to their old principles, but the greater number henceforth eschewed them, and adopted, in whole or in part, those of the Republican, afterwards known as the Democratic, school.

Long before the expiration of Mr. Monroe's second term, it was quite evident to every observing mind, that the Federalists, as such, were scarcely to be taken into account so far as the question of his

successor was concerned. None but a Republican could be elected—that needed no demonstration. But among the Republicans themselves, there was a great diversity of opinion. Six different candidates were in the first place proposed by their respective friends, each one of whom claimed to belong to the Republican party. In the Northern and Eastern States John Quincy Adams was the favorite; Henry Clay was the choice of Kentucky, Ohio, and Missouri; Andrew Jackson was the most popular in the south-west, and the Southern States generally were divided between him, and William H. Crawford; while the State of South Carolina presented the name of one of her most distinguished sons, William Lowndes, and Pennsylvania that of another, Mr. Calhoun.

The friends of Jackson, Adams, Clay, and Calhoun, who constituted a majority of the Republican members of Congress, refused to go into a caucus, as is well known, whereupon the minority met and nominated Mr. Crawford. As between the other candidates, Mr. Calhoun preferred General Jackson; and as it was likely that a warm contest would spring up between their respective friends in Pennsylvania, the name of the former was finally withdrawn in compliance with his wishes.

Mr. Calhoun being no longer a candidate for the presidential office, he was instantly taken up by the friends of General Jackson and Mr. Adams as their candidate for the vice-presidency. He also received the support of a portion of the friends of Mr. Clay, for the same office. The electors failing to agree

upon a majority candidate, the election was thrown into the House of Representatives, and Mr. Adams was chosen President; while Mr. Calhoun was chosen vice-president by the college,—he receiving one hundred and eighty-two of the two hundred and sixty-one electoral votes.

On the 4th day of March, 1825, Mr. Calhoun took his seat in the Senate of the United States as its presiding officer. He left the war department, not as he found it, in confusion and disorder, but in every branch regularity and order had been restored or introduced.

Mr. Calhoun filled the duties of his new office so well that he was reëlected vice-president in 1828, as the Republican candidate on the same ticket with General Jackson.

CHAPTER VII

Nullification.—The Protective System.—Southern Opposition.—State Interposition.—Election of General Jackson.—Dissolution of the Cabinet.—Convention in South Carolina.—State Rights.—Calhoun Elected Senator.

We now approach the most important and eventful period in the life and history of Mr. Calhoun—the period of Nullification—in which the great battle between State-rights and the Consolidation doctrines of the Federal party was fought on the floor of Congress.

The Nullification controversy, as it has been termed, grew out of the system of high protective duties long contended for by the manufacturing interest and the friends of the American system, and finally established by the act of 1828. The act of 1816, which Mr. Calhoun had supported, went beyond the true revenue limit, but so long as the policy was merely to foster and build up domestic manufactures, and while the public debt remained unpaid, Mr. Calhoun, and others who entertained similar views, were content not to insist upon a reduction of the duties to the revenue standard. The debt must be provided for, and this, it was probable, would absorb the surplus of revenue for a long time to come.

In 1824, the protectionists procured the passage of the act of that year increasing the profits of certain branches of manufactures already established, and offering great inducements for the establishment of others. Three years later—at the session of 1826-7—" the woollens bill," designed almost exclusively for the benefit of the manufacturers, was brought before Congress. Public attention was now fully aroused to the proceedings of the manufacturers, and various interests appeared in the field, each contending for a share of the benefits to be derived from a high protective tariff. The doctrine of temporary protection, partially forgotten in 1824, was now to be entirely abandoned, and favoritism substituted for encouragement. The manufacturers of the Eastern States, the iron manufacturers in Pennsylvania and New Jersey, and the producers of wool and hemp in the Northern and Western States generally, were all earnestly enlisted in favor of a high tariff, but their interests were so often found to be conflicting, that harmony of action could not be secured.

After a long struggle the act of 1828 was passed by the votes of nearly all the friends of a high protective system in Congress. This bill was fitly termed by one of its authors " a great error," and by a leading advocate of protection *for the sake of protection,* " a bill of abominations." It imposed a tariff of duties averaging nearly fifty per cent. on the imports, and considerations of revenue had very little to do with the manner in which it was formed, or with its passage.

Only three representatives from the Southern States, with the exception of the whole delegation from Kentucky, who either supported the American System of Mr. Clay or were influenced by the protection given to hemp, voted for the act of 1828. Its passage elicited a general expression of indignation in the Southern States, and most of their legislatures adopted strong resolutions condemning it in unqualified terms as being unjust, oppressive, and unconstitutional.

Mr. Calhoun was now regarded with almost filial affection and reverence by the citizens of his native State, and on his return home at the close of the session, he was visited by a number of leading and influential men, and the question was repeatedly propounded to him—what must be done? His reply was, that they must not hazard the election of General Jackson, upon whom he relied to counteract the dangerous tendencies of the times, and it was better to wait and see whether his administration would not reduce the duties to the revenue standard before the public debt was paid, or, at least, take the necessary steps to secure that reduction whenever it should be finally discharged. But if they were disappointed, then he advised that the unconstitutional laws should be resisted, and that a resort should be had to State interposition, or, in other words, nullification.

Resistance had previously been recommended, at a public meeting of the citizens of Colleton district held in June, 1828, and at other gatherings of the people similar sentiments were freely avowed. Mr. Calhoun was firmly of the opinion that nullification

was the rightful remedy, but his advice of forbearance was followed by his friends. He consented, however, to give expression to his views, and at the request of a member of the legislature, prepared a paper exposing the objectionable features of the act of 1828 and the injurious effects which must result from it, and pointing out the remedy for the evil. Five thousand copies of this paper were ordered to be printed by the legislature, which met in December, 1828, under the title of "The South Carolina Exposition and Protest on the subject of the Tariff." The legislature then contented itself with passing a resolution declaring the tariff acts of Congress for the protection of domestic manufactures unconstitutional and that they ought to be resisted, and inviting other States to coöperate with South Carolina in measures of resistance. By this legislature, also, electors were chosen who gave the vote of the State to General Jackson and Mr. Calhoun.

Time wore on. General Jackson was inaugurated, but no relief came. The influence of the tariff friends of the administration was controlling, and the President expressed the opinion that no satisfactory adjustment of the tariff could be made, which would not leave a large annual surplus beyond what was required by the government for its current service, wherefore he recommended the adoption of some plan for its distribution or apportionment among the States, to be expended on objects of internal improvement.* This recommendation appeared to Mr. Calhoun to be an aggravation of the

* Annual Messages of 1829 and 1830.

original cause of complaint, and he could see nothing in the scheme of distribution but a premium and an inducement to the friends of a high protective tariff to persist in maintaining the system which they had fastened upon the country. He viewed it as a bribe to the States, to secure their support of the system as the fixed and settled policy of the national government.

Meanwhile the friendly relations previously existing between General Jackson and Mr. Calhoun had been interrupted. Mr. Van Buren was secretary of State, and both he and Mr. Calhoun were looked upon as candidates for the succession. Their respective friends in the cabinet became discontented with each other; the bad feelings which had been engendered were increased by difficulties between their families and by the absence of harmony of opinion in regard to the tariff, and finally ended in the resignation of all the secretaries and the attorney-general, and the construction of an entire new cabinet. This took place in the Spring of 1831, and from that time Mr. Calhoun was regarded as one of the opposers of the administration. He and General Jackson were probably too much alike in disposition long to agree cordially together, and the feelings of animosity cherished by the latter were much heightened by the disclosure to him, about this time, of the fact that Mr. Calhoun, as a member of Mr. Monroe's cabinet, had advised that he should be punished or reprimanded for his course during the Seminole campaign, in the execution of Arbuthnot and Ambrister. Each possessed an iron will, and each had

inherited many of the traits peculiar to their common ancestry.

It was impossible that the public action of Mr. Calhoun should not be affected by this change in his personal and political relations, and it may sometimes have so far influenced him as to bias his views and feelings in many particulars.

In the meantime, Mr. Calhoun had issued a public address in South Carolina, and had written a letter to the governor of that State developing at length his views on the right of a State to defend her reserved powers against the encroachments of the General Government.

Before proceeding further, let us see what was in truth the position of Mr. Calhoun as to the relations between the States and the Union, for upon no subject was he more frequently misrepresented. He held, then, 1. that the Federal constitution was a compact adopted and ratified by and between the States, in their sovereign capacities as States; 2. that the general government contemplated and authorized by this constitution was the mere agent of the States in the execution of certain delegated powers, in regard to the extent of which the States themselves were the final judges; and 3. that when the reserved powers were infringed by the general government, or the delegated powers abused, its principals, the States, possessed the right of State interposition or nullification, otherwise there would be no remedy for any usurpation of the reserved or abuse of the delegated powers.

These were the great leading features of Mr. Cal-

houn's creed. His views were, of course, diametrically opposed to the consolidation doctrines of the Federal school of politicians; and with respect to the minor questions collateral to, or growing out of, these first principles, the difference was as broad and as well-defined. Among Republicans, however, the State Rights doctrines were generally popular, during the nullification controversy, and they afterwards became even more so, in consequence of the able and convincing expositions of Mr. Calhoun. But the great majority of his old political friends, out of the State of South Carolina, differed with him as to the application of those doctrines. He insisted that the power delegated to Congress by the Constitution, of laying taxes, duties, imposts and excises, was limited, by its terms, to the following purposes—the payment of the debts and providing for the defence and general welfare of the United States: * he admitted the power of Congress to impose duties for revenue, but denied it for protection.

On the other side, it was said that the right to impose duties for protection existed somewhere; that the Federal constitution expressly took away from the States the power to lay imposts or duties on imports or exports; † and that, as this power could not be utterly extinct, it must be lodged in the general government. ‡ To this Mr. Calhoun replied, that the idea of protecting the domestic interests of the country was not contemplated by the framers of the

* Article i, Section 8.
† Ibid, Section 10.
‡ Annual Message of President Jackson, 1830.

Constitution; that every tariff prior to 1816 was a revenue tariff; and that the cession of the public lands by the States to the general government was made to enable it to pay the public debt, and that this cession would have been unnecessary for such a purpose, if a high protective tariff was thought to be constitutional. All the opponents of Mr. Calhoun in the Republican party did not maintain that a tariff, with protection as its primary feature, was constitutional. This doctrine was held by the Northern Federalists, and by only a small portion of the friends of the administration of General Jackson. The Republicans, generally, agreed that revenue should be the controlling consideration; but many, and perhaps all who were not nullifiers, thought that it was proper, in the imposition of duties, to discriminate for purposes of protection. This, too, Mr. Calhoun regarded as an error, for discrimination for protection was neither more nor less than protection itself —not so glaring, not so unjust, it might be—yet involving the same identical principle.

While the State was thus agitated with the throes of incipient revolution, a ray of hope shot athwart the beclouded sky. The law of 1828 was far more productive of revenue than had been anticipated by its framers; the public debt was being rapidly extinguished; and the treasury was seriously threatened with plethora. The disposition of the constantly accumulating surplus of revenue was of the first importance, and it was generally conceded by statesmen of all parties that a reduction of duties ought forthwith to be made. The surplus might have been

absorbed by a vast increase of the expenditures, but this no party would tolerate. In his annual message, therefore, in December, 1831, President Jackson announced that the public debt would soon be entirely discharged, and recommended the reduction of the duties in order to relieve the people from unnecessary taxation.

So apparent was the necessity for a retrograde movement, that all appeared to concur in it, and at this session of Congress the act of 1832 was passed. This bill was declared to be the ultimatum of the friends of protection, and was intended by the immediate friends of the administration, and by the opposition headed by Mr. Clay, as a final adjustment of the duties. The reduction made by the bill, however, was rather imaginary than real. The duties upon the protected articles were augmented, while those on the unprotected articles alone were diminished.

Immediately after the passage of the bill, the representatives from the State of South Carolina who thought with Mr. Calhoun that nullification was the rightful remedy, issued an address to the people of the State, advising them that the protecting system might now be regarded as the settled policy of the country, and that all hope of relief from Congress was irrecoverably gone.

The people of South Carolina were not unanimous in sustaining the positions assumed by Mr. Calhoun. A small party calling themselves Unionists, embracing several popular and influential men, among whom were ex-Governor Manning, Judge Smith, Colonel Drayton, Mr. Pettigru, and Mr. Poinsett, had been formed, and, aided by the whole weight of

the influence and patronage of the Federal executive, they entered with zeal into the canvass preceding the annual election. A fierce and violent contest ensued, which terminated in the choice of a large majority of nullifiers to the State legislature. Mr. Calhoun was not, in the meanwhile, an idle or indifferent spectator. He did not withhold his counsel or advice, and no one individual contributed more powerfully than he to this result.

It had all along been conceded by the Unionists that the State Rights party were in the ascendant, and the great struggle at the election was to prevent the latter from obtaining the constitutional majority in the legislature. Without a majority of two-thirds a convention could not be called, and this was the only mode in which, as the nullifiers admitted, the people of the State could declare an act of the United States unconstitutional and void. The State Rights party, however, returned more than the constitutional number to both houses. The legislature convened on the 22d of October, 1832, and the first business of the session was the passage of a law authorizing the election of delegates to a State Convention, to meet at Columbia on the 19th day of November following.

Delegates were accordingly chosen, and the Convention was held at the appointed time. On the 24th instant they adopted the celebrated Ordinance of Nullification, declaring the acts of 1828 and 1832 absolutely null and void, within the State of South Carolina; providing that no appeal should be permitted to the Supreme Court of the United States upon any question concerning the validity of the

ordinance, or of the laws that might be passed to give effect thereto; prohibiting the authorities of the State, or of the general government, from enforcing the payment of duties within the State, from and after the 1st day of February, 1833; and declaring that any attempt to enforce the revenue laws, otherwise than through the civil tribunals, would be inconsistent with the longer continuance of South Carolina in the Union, and the people of the State would then proceed forthwith to the formation of *an independent government.** This ordinance was accompanied by two addresses—one to the people of South Carolina, and the other to the people of the other States in the Union—setting forth the motives which had prompted the adoption of the ordinance, and the principles upon which it was founded. These proceedings were had with the knowledge, and in part under the advice, of Mr. Calhoun; and, consequently, they met with his approbation. The Convention then adjourned to meet again in March, after the adjournment of Congress.

The South Carolina legislature being still in session, the necessary laws to give effect to the ordinance were passed; and as it had been threatened by the Unionists that the President would direct the collection of the revenue by force of arms, "the State placed itself in an attitude of military preparation for the defence of its position; organized and armed its own physical force; and succeeded in arousing so determined and excited a state of feeling in its citizens, that we think there can be no doubt that it

* Niles' Register, vol. xliii. p. 277.

would have maintained its position to the last extremity,—a position, manifestly, exceedingly difficult to be overcome, if thus maintained.

The proceedings in South Carolina were followed by the proclamation of the President declaring the ordinance of the State Convention subversive of the Federal constitution, and his intention to enforce the laws at whatever hazard, and warning the people of the State against obedience to the ordinance as involving the crime of treason against the United States. Meanwhile, General Hayne, the able and accomplished senator in Congress from South Carolina, had been elected governor of the State by the legislature and had entered upon the duties of his office; and in reply to the President's proclamation, he issued a counter proclamation defending the position assumed by the State, and calling out twelve thousand volunteers.

By the election of General Hayne as governor, a vacancy had been produced in the representation of the State in Congress. It was important at this particular juncture that the State should be represented in the Federal councils by the ablest of her sons, and all eyes were now instinctively turned toward Mr. Calhoun. Prior to the adjournment of the legislature, therefore, in December, 1832, he was chosen as the successor of Mr. Hayne in the senate of the United States. Mr. Calhoun was prompt to regard the call of his native State; her claims were paramount; he readily consented to become her champion and defender, resigned his position as vice-president, and entered the floor of the Senate.

CHAPTER VIII

In the Senate.—Special Message of the President.—Mr. Calhoun's Resolution.—The Force Bill.—Argument of Mr. Webster.—Reply of Mr. Calhoun.—Passage of the Compromise Act.

THE Senate of the Union was the theatre of Mr. Calhoun's proudest triumphs—the great field of his usefulness and fame.

It was queried by many whether he would not be apprehended, and some stoutly asserted that he would be arrested ere he reached Washington. He was called the head and front of the nullification cause, but he esteemed it an honor to be thus designated. He was stigmatized an arch-traitor and denounced as a disunionist, yet he pursued his way unmoved by clamor or denunciation. It was said that he aimed to overthrow the Constitution, and that his presence at the capitol would endanger the peace and security of the Union. But he had no such end in view. His errand was one of peace. He loved the Union too well lightly to peril it. He looked upon the State governments as the pillars, to use the language of a distinguished statesman of New York,* "which support the magnificent dome of our national government," and if but one of them should be removed, the strength and beauty of the edifice reared

* De Witt Clinton.

above them would be gone forever. He desired, therefore, to make one more last effort for redress, and he could not but feel assured, that if passions and prejudices did not overrule the judgments of men, it would prove successful.

Mr. Calhoun took his seat in the Senate shortly after the commencement of the session in December, 1832. Many affected to doubt, for those who really understood his position could not have questioned his readiness to abide by the Constitution, whether he would take the oath of office. The floor of the senate-chamber and the galleries were thronged with spectators. They saw him take the oath with a solemnity and dignity appropriate to the occasion, and then calmly seat himself on the right of the chair, among his old political friends, nearly all of whom were now arrayed against him.

In a few days after he entered the Senate, he introduced a resolution, calling upon the president to lay before that body the ordinance of South Carolina, and other documents connected with it, which had been transmitted to him by the executive of that State. Before any action was had upon the resolution, the special message of the president, dated the 16th January, 1833, was sent in. This message took strong ground against the position of South Carolina, and Mr. Calhoun felt that the occasion required something in the nature of a reply from him. He had been out of the habit of public speaking, yet he could not shrink from his duty. He arose, therefore, after the reading of the message had been concluded, and delivered an eloquent and effective speech in de-

fence of his State, which he concluded by declaring, most emphatically, that if the national government should be brought back to the principles of 1798, he would be the last to abandon it.

The message of the president and the accompanying documents were referred to the committee on the judiciary, of which Mr. Grundy was chairman. Mr. Webster was also a member of the committee, and he had publicly avowed his intention to use his utmost efforts to put down the nullification doctrines of South Carolina. A bill, popularly known as the Force Bill, was soon after reported by this committee, which extended the jurisdiction of the courts of the United States in cases arising under the revenue laws, and clothing the president with additional powers. The object of this bill, which was not disguised, was to enable the Federal executive to enforce the collection of the revenue in South Carolina. Mr. Calhoun desired that the important constitutional question at issue should undergo a preliminary discussion, before the bill was called up, and with the view of provoking debate, he introduced the following resolutions, affirmatory of the great principles for which he and his "beloved and virtuous State" were contending:—

"Resolved, That the people of the several states composing these United States are united as parties to a constitutional compact, to which the people of each state acceded as a separate and sovereign community, each binding itself, by its own particular ratification; and that the Union, of which the said compact is the bond, is a union *between the states* ratifying the same.

"Resolved, That the people of the several states, thus united

by a constitutional compact, in forming that instrument, in creating a General Government to carry into effect the objects for which it was formed delegated to that government, for that purpose, certain definite powers to be exercised jointly, reserving, at the same time, each state to itself, the residuary mass of powers, to be exercised by its own separate government; and that, whenever the General Government assumes the exercise of powers not delegated by the compact, its acts are unauthorized, void, and of no effect; and that the said government is not made the final judge of the powers delegated to it, since that would make its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among sovereign parties, without any common judge, each has an equal right to judge for itself, as well of the infraction as of the mode and measure of redress.

"Resolved, That the assertions, that the people of these United States, taken collectively as individuals, are now, or ever have been, united on the principle of the social compact, and, as such, are now formed into one nation or people; or that they have ever been so united in any one stage of their political existence; or that the people of the several states comprising the Union have not, as members thereof, retained their sovereignty; or that the allegiance of their citizens has been transferred to the General Government; or that they have parted with the right of punishing treason through their respective state governments; or that they have not the right of judging, in the last resort, as to the extent of the powers reserved, and, of consequence, of those delegated, are not only without foundation in truth, but are contrary to the most certain and plain historical facts, and the clearest deductions of reason; and that all exercise of power on the part of the General Government, or any of its departments, deriving authority from such erroneous assumptions, must of necessity be unconstitutional; must tend directly and inevitably to subvert the sovereignty of the states, to destroy the federal character of the Union, and to rear on its ruins a consolidated government, without constitutional check or limitation, and which must necessarily terminate in the loss of liberty itself."

These resolutions covered the whole ground in dis-

pute, and it was but just that the principles involved should be settled before proceeding to the consideration of the bill; for if South Carolina was right in her position, the passage of the bill would be a gross act of injustice. But in the progress of the controversy, many bad feelings had been aroused on both sides, and a disposition was manifested on the part of the supporters of the administration, to press matters to a crisis at once. Under the influence of this prevailing disposition, the resolutions of Mr. Calhoun were laid upon the table, and the bill taken up for discussion.

The debate was ably conducted. Many of the Republican senators from the Southern States opposed the bill in effective speeches, and resisted its passage at every step. Not a single senator offered to take up the gauntlet thrown down by Mr. Calhoun in his resolutions, while the bill was pending before the Senate, although Mr. Webster, in particular, was well known to differ from him *toto cœlo*. It had been the intention of the former to reply to Mr. Webster, but when it became known that he would not speak first, Mr. Calhoun himself took the floor in opposition to the Force Bill, and in defence of South Carolina. He also replied to the personal attacks which had been made upon him, and repelled, in eloquent and indignant terms, the charge that he had been influenced by disappointed ambition.

Mr. Calhoun spoke on the 15th of February, and three days afterward the bill was ordered to be engrossed for a third reading, by a vote of thirty-two to eight. Those who voted in the negative were Mr.

Bibb of Kentucky, Mr. Calhoun and Mr. Miller of South Carolina, Mr. King and Mr. Moore of Alabama, Mr. Mangum of North Carolina, Mr. Troup of Georgia, and Mr. Tyler of Virginia. Mr. Clay, Mr. Benton, and several other senators, absented themselves, and did not vote on the question. The bill was pressed to a final vote on the 20th instant. All the senators opposed to it except Mr. Tyler having left the Senate chamber, it was passed by a vote of thirty-two to one (Mr. Tyler).

In his speech on the Force Bill, Mr. Calhoun purposely avoided the discussion of the principles involved in his resolutions, except in general terms, because he wished to deprive Mr. Webster of the advantage of attacking his positions when he would be precluded from a reply. Mr. Webster followed Mr. Calhoun in the debate on the Force Bill; and instead of confining himself to the merits of the question actually before the Senate, he went into an elaborate examination of the principles on which the government was formed, and taking the extreme Federal ground in support and defence of consolidation, attacked with much vehemence and ability the positions laid down by Mr. Calhoun in his resolutions. The latter had anticipated this, and after the passage of the Force Bill, the Senate, at his request, assigned a day when he should be heard in defence of his resolutions.

The question at issue was of the highest importance. It was a contest between extremes—ultra Federalism and Consolidation on the one hand, and ultra State Rights on the other. Mr. Webster saw

where the real point lay. He could not but admit that if the Constitution was a compact between the States, as the whole Republican party contended, nullification, State interposition and the right of secession followed as a matter of course. Mr. Webster, therefore, maintained that the Constitution was not only not a compact between the States, but that after its ratification it became the fundamental law, supreme in its authority to the extent of the delegated powers, binding the States and the whole American people in the aggregate, and thus forming one indivisible nation.

"Whether the Constitution be a compact between States in their sovereign capacities," he said, "is a question which must be mainly argued from what is contained in the instrument itself. We all agree that it is an instrument which has been in some way clothed with power. We all admit that it speaks with authority. The first question then is—What does it say of itself? What does it purport to be? Does it style itself a league, confederacy, or compact between sovereign States? It is to be remembered, that the Constitution began to speak only after its adoption. Until it was ratified by nine States, it was but a proposal, the mere draft of an instrument. It was like a deed drawn but not executed. The Convention had framed it; sent it to Congress then sitting under the Confederation: Congress had transmitted it to the State Legislatures; and by the last, it was laid before the Conventions of the people in the several States. All this while it was inoperative paper. It had received no stamp of authority; it

spoke no language. But when ratified by the people in their respective Conventions, then it had a voice and spoke authentically. Every word in it had then received the sanction of the popular will, and was to be received as the expression of that will. What the Constitution says of itself, therefore, is as conclusive as what it says on any other point. Does it call itself a 'compact?' Certainly not. It uses the word *compact* but once, and that is, when it declares that the States shall enter into no compact. Does it call itself a 'league,' a 'confederacy,' a 'subsisting treaty between the States?' Certainly not. There is not a particle of such language in all its pages. But it declares itself a CONSTITUTION. What is a *Constitution?* Certainly not a league or confederacy, but a *fundamental law.* That fundamental regulation which determines the manner in which the public authority is to be executed, is what forms the *Constitution of a State.* Those primary rules which concern the body itself, and the very being of the political society, the form of government and the manner in which power is to be exercised—all, in a word, which form together the Constitution of a State—these are fundamental laws. This is the language of the public writers. But do we need to be informed in this country what a *constitution* is? Is it not an idea perfectly familiar, definite and well settled? We are at no loss to understand what is meant by the Constitution of one of the States—and the Constitution of the United States speaks of itself as being an instrument of the same nature. It says, this *Constitution* shall be the law of the land, anything in *State*

Constitutions to the contrary notwithstanding. And speaks of itself, too, in plain contradistinction from a confederation: for it says, that all debts contracted, and all engagements entered into by the United States, shall be as valid under this *Constitution* as under the *Confederation.* It does not say, as valid under this *compact,* or this league, or this confederation, as under the former confederation, but as valid under this Constitution."

Mr. Calhoun replied to Mr. Webster on the 26th of February, in a most masterly effort made in the presence of a large and attentive audience. All felt the influence of the mighty mind whose energies were now taxed to the utmost, and hundreds who could not or would not be convinced by his reasoning, listened with admiration and delight to the torrent of argument that rolled in an incessant flow from his lips. He maintained that the Constitution was strictly a compact between sovereign bodies, and that each State as a party could declare the nature and extent of her obligations, in the same manner as in the analogous case of a treaty or alliance between two powers or governments. The Constitution was formed by a federal convention of the States, and ratified by the States as States, through the interposition of Conventions, for, obviously, the State legislatures had no power to bind their constituents on such a question: it was not submitted to the people in the aggregate, but each State voted upon it separately, in its sovereign capacity.

The great principle for which Mr. Calhoun contended, was embraced in the first resolution, which,

being admitted, the other resolutions were the irresistible inferences or conclusions. The first resolution, said Mr. Calhoun, "contains three propositions, First, that the Constitution is a compact; second, that it was formed by the States, constituting distinct communities; and, lastly, that it is a subsisting and binding compact between the States. How do these three propositions now stand? The first, I trust, has been satisfactorily established; the second, the senator has admitted, faintly, indeed, but still he has admitted it to be true. This admission is something. It is so much gained by discussion. Three years ago even this was a contested point. But I cannot say that I thank him for the admission: we owe it to the force of truth. The fact that these States were declared to be free and independent States at the time of their independence; that they were acknowledged to be so by Great Britain in the treaty which terminated the war of the Revolution, and secured their independence; that they were recognized in the same character in the old articles of the Confederation; and, finally, that the present Constitution was formed by a convention of the several States, afterward submitted to them for their ratification, and was ratified by them separately, each for itself, and each, by its own act, binding its citizens, formed a body of facts too clear to be denied and too strong to be resisted.

"It now remains to consider the third and last proposition contained in the resolution—that it is a binding and a subsisting compact between the States. The senator was not explicit on this point. I understood him, however, as asserting that, though formed

by the States, the Constitution was not binding between the States as distinct communities, but between the American people in the aggregate, who, in consequence of the adoption of the Constitution, according to the opinion of the senator, became one people, at least to the extent of the delegated powers. This would, indeed, be a great change. All acknowledge, that previous to the adoption of the Constitution, the States constituted distinct and independent communities, in full possession of their sovereignty; and, surely, if the adoption of the Constitution was intended to effect the great and important change in their condition which the theory of the senator supposes, some evidence of it ought to be found in the instrument itself. It professes to be a careful and full enumeration of all the powers which the States delegated, and of every modification of their political condition. The senator said that he looked to the Constitution in order to ascertain its real character; and, surely, he ought to look to the same instrument in order to ascertain what changes were, in fact, made in the political condition of the States and the country. But with the exception of 'We, the people of the United States' in the preamble, he has not pointed out a single indication in the Constitution of the great change which he conceives has been effected in this respect.

. . . . On this point there is a very important part of the Constitution entirely and strangely overlooked by the senator in this debate, as it is expressed in the first resolution, which furnishes the conclusive evidence, not only that the Constitution is a compact,

but a subsisting compact, binding between the States. I allude to the seventh article, which provides that 'the ratification of the convention of nine States shall be sufficient for the establishment of this Constitution *between the States* so ratifying the same.' Yes, *between the States:* these little words mean a volume —compacts, not laws, bind *between* the States; and it here binds, not between individuals, but between *the States,*—the States *ratifying,*—implying, as strong as language can make it, that the Constitution is what I have asserted it to be—a compact, ratified by the States, and a subsisting compact, binding the States ratifying it."

Rarely has such intellectual championship been witnessed in the halls of Congress as on this memorable occasion. It was a contest between giants. Never before had the great powers of Mr. Calhoun been made so clearly manifest; and the superiority of his logical powers was admitted by many who had not hitherto been classed among his admirers.

The eccentric John Randolph, then in feeble health, happened to be present during this debate. He sat near Mr. Calhoun when the latter was making his reply, but a hat standing on the seat before him, prevented him from seeing Mr. Webster. "Take away that hat," he exclaimed; "I want to see Webster die, muscle by muscle."

The Force Bill, nevertheless, passed the House of Representatives on the 28th of February, and became a law; but in the meantime everything had remained quiet in South Carolina. The 1st of February was the day appointed for the nullification ordinance to

take effect, but about that time the leading State Rights men held a meeting at Charleston, and adopted resolutions agreeing that no attempt should be made to execute the ordinance till Congress adjourned and the State Convention reässembled.* In this manner a collision between the State and National authorities was avoided. The forts in the harbor of Charleston were strongly garrisoned under the orders of the President, but General Scott, the officer charged with the command in this quarter, was cautious, forbearing, and discreet. Owing to his moderation and prudence, and the display of the same qualities by the prominent nullifiers and unionists, not a drop of blood was shed.

Meanwhile, in compliance with the clearly expressed wish of the country, notwithstanding a majority of the American people may have at that time disapproved of the stand taken by South Carolina, different measures for the reduction of the duties were brought before Congress. The project presented by the administration was thought by the friends of protection to contemplate too sudden a reduction. They became alarmed, and Mr. Clay as their leader prepared the well-known Compromise Act, under the advice and with the approbation of Mr. Calhoun. The latter did not desire to see the manufacturers ruined, nor hastily to undo the bad legislation which had given rise to so many complaints. The Compromise Act was announced by its author and advocate, Mr. Clay, to be designed for a permanent tariff system which should quiet the pres-

* Niles' Register, vol. xliii. p. 381.

ent agitation and prevent a recurrence of similar evils in the future. The bill surrendered the protective principle and established the ad valorem—two favorite points with Mr. Calhoun. It also provided for a general reduction of the duties to the revenue standard. Mr. Calhoun was satisfied with this, as were all parties in Congress except the ultra friends of protection. The bill passed both Houses, therefore, by large majorities, and received the signature of the President on the 2d day of March, 1833.

Congress adjourned on the 3d instant, and Mr. Calhoun hastened his return home. Travelling night and day by the most rapid public conveyances, he succeeded in reaching Columbia in time to meet the Convention before they had taken any additional steps. Some of the more fiery and ardent members were disposed to complain of the Compromise Act as being only a half-way, temporizing measure; but when his explanations were made, all felt satisfied, and the Convention cordially approved of his course. The nullification ordinance was repealed, and the two parties in the State abandoned their organizations, and mutually agreed to forget all their past differences—a pledge which, to their honor be it said, was faithfully observed.

Thus terminated this important controversy, which for a time threatened the integrity of the Union.

CHAPTER IX

The United States Bank.—Reëlected to the Senate.—Abolition Excitement.—Admission of Michigan.—Government and the Banks.

One of the most powerful reasons—and, perhaps, irrespective of personal feelings, the controlling one—that influenced Mr. Calhoun in taking a position adverse to the administration of General Jackson, was the favor at first shown toward the protective policy.

But just at this time a new and exciting question was thrown into the sea of politics, now subsiding from its troubled state to one of calm and repose, and again its waters were agitated with the fury of the tempest. In 1832, the bill to recharter the United States Bank was vetoed by President Jackson, and at the ensuing election he was again chosen the chief magistrate of the nation. This decision of the American people in his favor, as it was construed by himself and his friends, emboldened him to urge forward measures which he had probably long had in contemplation; and this he was the better able to do, in consequence of the adjustment of the tariff question.

That General Jackson was a firm patriot—sincerely attached to the liberties and the institutions of his country, none can deny. Mr. Calhoun did not ques-

tion this, but under the influence of the personal animosity which had been kindled, and the strong bias which induced him to look with disfavor on everything emanating from the administration, he thought he saw an attempt on the part of the president to strengthen the executive power and patronage, and to wield the influence which these gave him for corrupt purposes. Much as his views may have been colored by prejudice, he was sincere in his convictions, and he was more confirmed in them by the removal of the deposits from the Bank of the United States in the fall of 1833, by order of President Jackson.

In December, 1833, Mr. Clay introduced resolutions into the Senate censuring the president in the severest terms, and declaring that he had assumed authority and power not conferred by the Constitution and laws, but in derogation of both. This resolution, together with another condemning the Secretary of the Treasury for making the removal, received the support of Mr. Calhoun. Yet he was no friend to the Bank, and in an able speech delivered on the 13th of January, 1834, he declared that the real question was not, as was insisted by the friends of the administration, "Bank or no Bank." "Taking the deposit question in the broadest sense," he said; "suppose, as it is contended by the friends of the administration, that it involves the renewal of the charter, and, consequently, the existence of the Bank itself, still the banking system would stand almost untouched and unimpaired. Four hundred banks would still remain scattered over this wide

republic, and on the ruins of the United States Bank many would rise to be added to the present list. Under this aspect of the subject, the only possible question that would be presented for consideration would be, whether the banking system was more safe, more beneficial, or more constitutional, with or without the United States Bank."

"What, then," said he, "is the real question which now agitates the country? I answer, it is a struggle between the executive and legislative departments of the government; a struggle, not in relation to the existence of the Bank, but whether Congress or the President should have the power to create a bank, and, through it, the consequent control over the currency of the country. This is the real question. Let us not deceive ourselves. This league, this association, vivified and sustained by receiving the deposits of the public money, and having their notes converted, by being received everywhere by the treasury, into the common currency of the country, is, to all intents and purposes, a bank of the United States—the executive bank of the United States, as distinguished from that of Congress. However it might fail to perform satisfactorily the useful functions of the Bank of the United States, as incorporated by law, it would outstrip it—far outstrip it—in all its dangerous qualities, in extending the power, the influence, and the corruption of the government. It was impossible to conceive any institution more admirably calculated to advance these objects. Not only the selected banks, but the whole banking institutions of the country, and with it the entire money

power, for the purpose of speculation, peculation, and corruption, would be placed under the control of the executive."

"So long," he remarked, "as the question is one between a bank of the United States, incorporated by Congress, and that system of banks which has been created by the will of the executive, it is an insult to the understanding to discourse on the pernicious tendency and unconstitutionality of the Bank of the United States. To bring up that question fairly and legitimately, you must go one step further: you must *divorce the government and the bank,* . . . or, if not, you are bound to incorporate a bank, as the only safe and efficient means of giving stability and uniformity to the currency. And should the deposits not be restored, and the present illegal and unconstitutional connection between the executive and the league of banks continue, I shall feel it my duty, if no one else moves, to introduce a measure to prohibit government from receiving or touching bank-notes in any shape whatever, as the only means left of giving safety and stability to the currency, and saving the country from corruption and ruin."

Entertaining these views, it will not appear at all inconsistent in Mr. Calhoun, that he favored a proposition to re-charter the United States Bank at this session.

At the session of 1833-34, he supported the bill raising the relative value of gold compared with silver commonly called the "Gold Bill," and the bill to establish branch mints, both of which were favorite measures of the administration. These he voted

for, because they were calculated to aid in securing the great end he hoped to accomplish—the restoration of a sound currency. Consistency with his cherished principles required this course, and where these were at stake he never hesitated to come to their defence. Yet upon minor questions he usually acted with the opposition.

The vast surplus revenue which had accumulated in the Treasury, from customs and enormous sales of public lands, was a constant source of apprehension to him. He feared the power which it would give to the President, and at the session of 1834-35 a special committee of nine members was raised, on his motion, in order to inquire into the extent of the executive patronage, and the expediency and practicability of reducing it. The surplus on deposit with the banks furnished vast facilities for business operations, whether mere speculative or otherwise, and the volume of the currency was being rapidly expanded. As a remedy for the evil, the administration proposed either to absorb the surplus by expenditures for military defences or other works of general welfare, or, in the second place, to vest it in government stocks. Mr. Calhoun did not approve of either measure, because, as he thought, that the first would increase the executive patronage, and pave the way for excessive expenditures, for which another high tariff would eventually be required; and that the second would entangle the government with State stocks.

He therefore favored the proposition to regulate the deposits with the banks, and to deposit the sur-

plus with the States. A bill making provision for this regulation of the deposit banks, and the disposition of the surplus, passed Congress in June, 1836, which received his vote, and under the circumstances, his entire approval. He would gladly have favored any feasible project to restore the money to the people who had been taxed to this extent, but he saw this was impossible, and therefore supported the deposit measure as the only alternative.

The term of service for which Mr. Calhoun had been originally chosen expired in March, 1835, but at the session of the legislature previous, he was chosen for a second term by a large and flattering vote. South Carolina placed too high an estimate on his past services to part with them so soon, and he was too warmly attached to her to desire to be released from his position.

At the session of 1835-36, Mr. Calhoun voted against the favorite measure of Mr. Clay, to distribute the proceeds of the public lands among the States, as he never failed to do when this question was presented, in whatsoever shape or form it assumed.

During this session, also, another important question occupied Mr. Calhoun's attention. This was the subject of the reception of abolition petitions. Societies had been organized in the Northern and Middle States for the avowed purpose of procuring the abolition of slavery in the District of Columbia, with the intention doubtless of effecting the same thing ultimately in the Southern States. Presses were purchased, and newspapers and pamphlets is-

sued, teeming with the abolition doctrines. Petitions of the same character with the newspapers and pamphlets were also put in circulation, signed, and forwarded to Washington for presentation in one or other of the two Houses of Congress.

Viewing these fanatical efforts,—however well intentioned might be the motives of those concerned in them who acted from what he deemed considerations of false philanthropy and benevolence,—as being decidedly dangerous in their tendency as respected the peace and security of the slave-holding States, he resisted them at the outset. He was always in favor, as he expressed it, of meeting "the enemy on the frontier." In February, 1836, he made an able report from a select committee appointed to consider that portion of the president's message recommending the adoption of efficient measures to prevent the circulation of incendiary publications or abolition petitions, pamphlets, &c., through the mails. This report was accompanied by a bill, which he supported in an earnest and powerful speech delivered on the twelfth of April, 1836.* A difficulty now arose upon this question. The Northern Whigs were in great part inclined to favor the abolitionists, and the Republicans were the reverse; but both parties in Congress thought it would be advisable not to reject the petitions on the subject of abolitionism. The Republican members especially were apprehensive that the rejection would be regarded by their

* The bill was ordered to a third reading by the casting vote of the vice-president (Mr. Van Buren), but did not finally become a law.

constituents as a denial of the right of petition, and this would raise a new issue that might injure them as a party. Mr. Calhoun earnestly combated this idea, and in February, 1837, he delivered another speech on the subject of the reception of abolition petitions, in which he explained their incendiary character, and pointed out the offensive and insulting language used toward the slaveholding States.

In January, 1837, Mr. Calhoun made another very able speech in opposition to the admission of the State of Michigan,—his opposition being based entirely upon the ground that there had been no regular convention held to approve the terms of admission prescribed by Congress.

Meanwhile Mr. Van Buren had been elected to the presidency of the United States. Mr. Calhoun was comparatively a silent spectator of the contest. He adhered to his old position of neutrality, and advised his friends in South Carolina not to vote for either of the Whig candidates, Judge White or Mr. Clay, and in other States he recommended their support of the former. South Carolina gave her vote for Willie P. Mangum and John Tyler, both State Rights men.

The inaugural message of Mr. Van Buren, particularly so far as it related to the abolition excitement, was entirely satisfactory to Mr. Calhoun. A few weeks passed, and the terrible commercial revulsion of 1837 swept over the country as with the besom of destruction. Mr. Calhoun had long anticipated this disaster, and had advised his friends engaged in trade or connected with banks to reef their sails before the blast of the tempest came in its fury

upon them. Congress was now called together by executive proclamation, and commenced their session on the 4th day of September. Previous to this time it had been intimated that the president would recommend an entire separation of the government from the banks, and in a letter written from Edgefield, when on his way to Washington, Mr. Calhoun signified his intention to support the administration if such should be their course.

As had been predicted, Mr. Van Buren recommended the divorce of bank and State, which had already taken place in point of fact by the suspension of specie payments on the part of the banks; and in a speech on a bill providing for the issue of treasury notes, delivered on the 19th of September, and in a further speech on the main question, delivered on the 3d day of October, Mr. Calhoun fully indicated his intentions to go with the administration, and to secure an entire separation of the government from the banks.

Mr. Calhoun's course with reference to the separation of the government from the banks, though perfectly consistent with his previous life and with his well-known and often expressed views upon the subject of the currency, did not escape the criticism and censure of the Whig party. In his speech in 1834, on Mr. Webster's motion to renew the charter of the United States Bank, he emphatically declared, that he was the partisan of no class—nor of either political party. "I am neither of the opposition nor administration," said he. "If I act with the former in any instance, it is because I approve of their course

on the particular occasion, and I shall always be happy to act with them when I do approve. If I oppose the administration, if I desire to see power change hands, it is because I disapprove of the general course of those in authority."

Yet in the face of this declaration, and of the fact that he had never attended the political caucuses or meetings of the opposition, he was charged with having gone over to the enemy—to the administration party. So long as these attacks were confined to the public press he took no notice of them, but when Mr. Clay repeated the charge on the floor of the Senate, and attempted to chastise him by word of mouth, Mr. Calhoun felt bound to notice it, and in his reply to the senator from Kentucky, before alluded to, he gave utterance to his feelings in a strain of indignant eloquence never surpassed in that chamber.

"Mr. Calhoun," said a writer in the Democratic *Review* * alluding to this debate, "has evidently taken Demosthenes for his model as a speaker—or rather, I suppose, he has studied, while young, his orations with great admiration, until they produced a decided impression upon his mind. His recent speech in defence of himself against the attacks of Mr. Clay, is precisely on the plan of the famous oration *De Corona*, delivered by the great Athenian, in vindication of himself from the elaborate and artful attacks of Æschines. While the one says: 'Athenians! to you I appeal, my judges and my witnesses!'—the other says: 'In proof of this, I appeal to you, senators, my witnesses and my judges

* April No., 1838.

on this occasion!' Æschines accused Demosthenes of having received a bribe from Philip, and the latter retorted by saying that the other had accused him of doing what he himself had notoriously done. Mr. Clay says that Mr. Calhoun had gone over, and it was left to time to disclose his motive. Mr. Calhoun retorts: "Leave it to time to disclose my motive for going over! I, who have changed no opinion, abandoned no principle, and deserted no party; I, who have stood still and maintained my ground against every difficulty, to be told that it is left to time to disclose my motive! The imputation sinks to the earth, with the groundless charge on which it rests. I stamp it, with scorn, in the dust. I pick up the dart, which fell harmless at my feet. I hurl it back. What the senator charges on me unjustly, *he has actually done*. He went over on a memorable occasion,* and did not 'leave it to time to disclose his motive.'"

Other charges made by Mr. Clay were repelled in similar language by Mr. Calhoun; and his conduct was justified, his consistency maintained, and his political position explained, with great clearness and ability. He said that Mr. Clay had admitted he once bore a character for stern fidelity, but insinuated that it had now been forfeited. He replied, that if he were to select an instance on which, above all others, to rest his claim to such a character, it would be his course at this crisis. A powerful party taking advan-

* In allusion to the course of Mr. Clay, in the winter of 1825, with reference to the election of Mr. Adams, and his acceptance of the office of Secretary of State.

tage of the pecuniary embarrassments of the country to displace the administration would be opposed to him, and he should also incur the displeasure of the whole banking interest, with the exception of some of the Southern banks. Many State Rights men, too, for whom he cherished a brother's love, would not go with him. "But I saw before me," he said, "the path of duty; and, though rugged and hedged on all sides with these and many other difficulties, I did not hesitate a moment to take it. Yes, *alone,* as the senator sneeringly says. After I had made up my mind as to my course, in a conversation with a friend about the responsibility I would assume, he remarked that my own State might desert me. I replied that it was not impossible; but the result has proved that I underestimated the intelligence and patriotism of my virtuous and noble State. I ask her pardon for the distrust implied in my answer; but I ask, with assurance it will be granted, on the grounds I shall put it—that, in being prepared to sacrifice her confidence, as dear to me as light and life, rather than disobey, on this great question, the dictates of my judgment and conscience, I proved myself not unworthy of being her representative."

Mr. Webster also attacked Mr. Calhoun, and charged him with deserting the opposition when victory was within their reach, and his "coöperation only was wanted to prostrate forever those in power." These few words, said Mr. Calhoun in his reply, contained the whole secret of the denunciations levelled against him; and as Mr. Webster declared that he should soon move for a renewal of the pro-

tective policy, he pointed to this declaration as furnishing, if anything had been needed, a complete justification for his course. But he would not rest the matter here. He insisted that Mr. Webster and himself entertained irreconcilable opinions in relation to the character of the government, its principles, and its true policy; and they were in their appropriate spheres when arrayed in open hostility.

A friend who was present during the delivery of Mr. Calhoun's speech in reply to Mr. Clay, says that, although he has heard many public speakers, he never witnessed such intense earnestness, such a display of impassioned eloquence, as characterized this great effort. The keen fulgent eyes of the speaker shot lightnings at every glance, his hair stood on end, large drops of sweat rested on his brow, and every feature and muscle were alive with animation. And while this burning flood of indignation was rolling in a deluge from his lips, the audience were so completely enchained that perfect silence was preserved, and a pin might have been heard to drop in any part of the chamber; and when he declared, with a gesture suited to his words, that he hurled back the dart which had been thrown against him, the eyes of all were involuntarily turned to witness the effect of the blow.

CHAPTER X

Abolitionism.—Opinions of Mr. Calhoun on Slavery.—State Debts.—Bankrupt Bill.—Public Lands.—Bank Bills.—The Veto Power.—Mr. Clay's Resolutions.—Tariff of 1842.—Ashburton Treaty.

THE abolitionists had continued to increase in numbers and in influence in the Northern States, and one or both parties in that section often coquetted with them at the State elections, in order to secure the success of their candidates, and not, in a majority of cases perhaps, with the view of ultimately rendering any assistance in the main object which they had in view. But they were thereby emboldened to make still greater efforts; they began to feel themselves of some consequence, and to assume the airs natural to those in the position which they occupied—that of a third party, holding, in many of the States, the balance of power.

While upon this subject, it will not be amiss to state, once for all, what were the opinions of Mr. Calhoun on the subject of slavery. In his view, it ought not to be considered, as it existed in the United States, in the abstract; but rather as a political institution, existing prior to the formation of the government and expressly recognized in the Constitution.* The framers of that instrument regarded slaves as

* Article i., Section 2; Article iv., Section 2.

property, and admitted the right of ownership in them.* The institution being thus acknowledged, he contended that the faith of all the States was pledged against any interference with it in the States in which it existed; and that in the District of Columbia, and in the territories from which slavery had not been excluded by the Missouri Compromise, being the common property of all the States, the owner of slaves enjoyed the same rights and was entitled to the same protection, if he chose to emigrate thither, or if already a resident, as if he were in one of the slave States—in other words, that upon common soil, his right of property should be respected. Any interference with it, therefore, direct or indirect, immediate or remote, he felt bound to oppose, and did oppose to the very close of his life.

He held, too, that it was desirable to continue the institution at the South; that it had been productive of more good than harm; and that "in no other condition, or in any other age or country, [had] the Negro race ever attained so high an elevation in morals, intelligence, or civilization." † Slavery, he was accustomed to say, existed in some form or another, in all civilized countries; and he was disposed to doubt the correctness of the sentiment contained in the Declaration of Independence, that all men are born free and equal. Natural rights, indeed, in every age, in every country, and under every form of government, have been, and are, regulated and con-

* "Madison Papers" (Debates in the Convention), pp. 181, 391.

† Letter to Mr. Pakenham, April 18, 1844.

trolled by political institutions. He considered the colored population as constituting an inferior race, and that slavery was not a degradation, but had the direct tendency to improve their moral, social, and intellectual condition. The situation of the slaves was an enviable one in comparison with that of the free negroes at the North, or with that of the operatives in the manufactories, and the laboring classes generally in Great Britain.* Of what value, except relatively, he asked—and asked, too, with a great deal of pertinence—were political rights, when he saw thousands of voters, in the Northern States, in the service of powerful monopolies or employed on public works fairly driven to the polls with ballots in their hands?

The negro slave, he contended, felt and acknowledged his inferiority, and regarded his position as a proper and natural one.† The two races in the Southern States were almost equal in numbers. They could not live upon terms of equality. "It may, in truth, be assumed as a maxim," was his language, "that two races differing so greatly, and in so many respects, cannot possibly exist together in the same country, where their numbers are nearly equal, without the one being subjected to the other. Experience has proved that the existing relation, in which the one is subjected to the other, in the slave-holding States, is consistent with the peace and

* See Humphrey's Tour, vol. i. chap. 20; Durbin's Observations in Europe, vol. ii. chap. 13; Head's Manufacturing Districts of England, *passim*.

† Dr. Estes' Defence of Negro Slavery, p. 74.

safety of both, with great improvement to the inferior; while the same experience proves that . . . the abolition of slavery would (if it did not destroy the inferior by conflicts, to which it would lead) reduce it to the extremes of vice and wretchedness. In this view of the subject, it may be asserted, that what is called slavery is in reality a political institution, essential to the peace, safety, and prosperity of those States of the Union in which it exists." *

Entertaining these views, it is not strange that Mr. Calhoun regarded the movements of the abolitionists as being dictated by a false philanthropy, and that he thought them calculated, if persisted in, to jeopard the happiness and tranquillity of the slave States, and to endanger the peace of the Union; nor that he so often warned his fellow-citizens of the Southern States against the designs openly avowed, or secretly cherished, which, if not early opposed or counteracted, would prove highly prejudicial to their interests and their welfare. Where so much was at stake, he thought it well to be wise in time.

At the session of 1838-39, in a speech characterized by his usual ability, Mr. Calhoun opposed a bill introduced by Mr. Crittenden, to prevent the interference of certain Federal officers in the elections. He took the ground, that the acceptance of an office under the Federal government did not deprive the individual of the right of suffrage guaranteed to him by the constitution and laws of his own State, and ought not to debar him from the exercise of any of the privileges incident thereto.

* Letter to Mr. Pakenham.

At the session of 1839-40, several important questions were discussed. Mr. Calhoun made able speeches in opposition to the assumption of the State debts by the general government,—a project then seriously agitated by a number of leading Whigs; and to the bankrupt bill, which he approved, however, as respected its compulsory features relating to individuals. He thought the bill ought not to include banks, and decidedly condemned the insolvent features introduced into it. But his ablest speech at this session was made upon his resolutions in the case of the brig *Enterprise,* on the 13th of March, 1840. These resolutions affirmed, and Mr. Calhoun maintained with much power and eloquence in his speech, that a ship or a vessel on the high seas, in time of peace, engaged in a lawful voyage, was, according to the laws of nations, under the exclusive jurisdiction of the State to which her flag belonged,—as much so as if constituting a part of its own domain; that if such ship or vessel should be forced, by stress of weather, or other unavoidable cause, into the port of a friendly power, she would lose none of the rights appertaining to her on the high seas, but, on the contrary, she, and her cargo and persons on board, with their property, and all the rights belonging to their personal relations, as established by the laws of the State to which they belong, would be placed under the protection which the laws of nations extend to the unfortunate under such circumstances; and that the brig *Enterprise,* which was forced unavoidably, by stress of weather, into Port Hamilton, Bermuda Island, while on a lawful voyage on the high seas,

from one port of the Union to another, came within the principles embraced in his resolutions, and the seizure and detention of the negroes on board, by the local authority of the island,* was an act in violation of the laws of nations, and highly unjust to our own citizens, to whom they belonged.

At the presidential election in 1840, Mr. Calhoun supported Mr. Van Buren, as did his friends in South Carolina. The administration of that gentleman had been conducted, on all important points, in entire consonance, as Mr. Calhoun believed, with the Republican principles; and he decidedly approved, therefore, of giving the electoral vote of the State to him.

Next in importance to the question of the currency, Mr. Calhoun regarded that of the public lands. At the session of 1840-41, he discussed the whole policy of the government with respect to the latter subject. He delivered three speeches: one on the prospective preëmption bill, which he opposed; the second on an amendment, offered by Mr. Crittenden as a substitute, providing for the distribution among the States of the revenue arising from the sale of the public lands; and the third in reply to the speeches of Mr. Webster and Mr. Clay on Mr. Crittenden's amendment. Mr. Calhoun had often reflected on this subject, and was therefore entirely at home upon it. He was opposed, *in toto,* to the scheme of distribution, and advocated the cession of the public lands to the new States in which they were situated. "As far back as February, 1837, he offered a substitute, in

* As British territory, where no slaves were permitted.

the form of an amendment to the bill ' to suspend the sale of the public lands,' in which he proposed to cede to the new States the portion of the public lands lying within their respective limits, on certain conditions, which he accompanied by a speech explanatory of his views and reasons. He followed up the subject in a speech delivered in January, 1839, on the Graduation Bill; and in May, 1840, an elaborate and full report was made from the Committee on Public Lands, and a bill introduced by him, containing substantially the same provisions with his original proposition.

In 1841 Mr. Harrison became president, but died shortly after his inauguration, and Mr. Tyler succeeded him in the presidential office. Previous to this time, an extra session of Congress had been called, upon the urgent solicitation of leading Whigs, who were in haste to undo some legislation of former years, and to establish, as far as they could by statute, the Utopia in governmental policy which had long been the subject alike of their dreams and their hopes.

Congress assembled for the extra session on the last day of May, 1841 ; Mr. Calhoun again appearing in his place in the Senate, to which he had been re-elected for another term. High in hope, rendered confident in tone and overbearing in manner by their recent victory, and full to overflowing with ardor and enthusiasm, the Whig members of the 27th Congress entered the Capitol. In their haste to carry their favorite measures, they stopped not for forms or ceremonies. They followed without hesitation in

the wake of their leader Mr. Clay, who brought forward and urged the adoption of his plans, with the boldness and manliness, and, withal, the arrogance forming such prominent traits in his character. The Independent Treasury law was repealed, against the votes of Mr. Calhoun and his Republican friends. In the minority as they were, it seemed impossible to oppose any checks or hindrances to the movements of the party in power.

Having disposed, as they thought forever, of this great Republican measure, the Whigs began to develop their own policy. Their system of measures, leaving out of view minor and comparatively unimportant propositions, was a triad—the Distribution of the Land Revenue among the States, the Incorporation of a National Bank, and the Revision of the Tariff so as to afford increased protection.

Distribution was but another name for the assumption of the State debts, and its object was to create a necessity for a high protective tariff, by withdrawing the revenue derived from the sale of the public lands from the treasury. Mr. Calhoun opposed it, as he had done at previous sessions; and on the 24th of August, 1841, he delivered one of his ablest speeches against the passage of the bill. It was an effort every way worthy of the cause and the man. He, of course, took the old Republican ground, that the original cession of the public lands was made to furnish the General Government with the means of defence, in opposition to the Federal doctrine that it was the trustee of the States making the cession; and that if this resource were taken away, a much higher

tariff would be needed for revenue—a result which the protectionists were extremely anxious to secure —and thus the policy of a high protective tariff with a permanent distribution of the surplus revenue, would be fastened on the country for all time to come.

So palpable were the objections raised by Mr. Calhoun and other senators to the policy of distribution, and they were urged with such power and effect, that a sufficient number of Whigs united with them to procure the adoption of a proviso to the bill, declaring that the distribution should cease whenever the average rate of duties collected exceeded twenty per cent. Before the law went into operation, the Whigs increased the duties beyond that average, and it remained a dead letter on the statute book.

The Bankrupt bill was again brought forward at this session, and again opposed by Mr. Calhoun.

Two different bills providing for the incorporation of a national bank—the second one, however, disguising the project under the name of a fiscal agent of the treasury—passed both houses of Congress. Mr. Calhoun now felt free to vote upon the question as if it were an entirely new one; and, as he was totally opposed to any connection between the government and banks, he voted against both measures. President Tyler, true to his State Rights principles, vetoed each bill in turn. The Whig party were confounded and dismayed; Congress adjourned in confusion, and the cabinet was dissolved. At the ensuing session—that of 1841-42—a fierce onslaught was made, under the auspices of Mr. Clay, upon the

President, and upon his exercise of the veto power. However much Mr. Calhoun was disposed to resist the usurpations of the executive branch of the government, he would by no means trespass upon its rights; and he regarded the veto as one of the great conservative features of the Constitution—a check upon hasty legislation and a protection to the Executive, the States, and the people, against legislative encroachment.

One of the ablest speeches he ever delivered was made on this question, and in defense of the veto power, which Mr. Clay proposed to take away in part from the President, by an amendment of the Constitution.

Early in this session, Mr. Clay had introduced a series of resolutions expressive of his views in relation to the revenues and expenditures of the government. He avowed himself friendly to the general principles of the Compromise act and the *ad valorem* feature, proposed to raise no more revenue than was necessary for the economical administration of the government, and disapproved of any resort to loans or treasury notes, in time of peace, except to meet temporary deficits. So far Mr. Calhoun agreed with him: but he further proposed to raise all the revenue from customs, to surrender the land fund to the States, and to repeal the proviso in the distribution act; and upon these points they wholly disagreed. Mr. Calhoun spoke on the resolutions, on the 16th of March, and protested in earnest terms against any departure from the great principle of the Compromise act, that no duty should be imposed after the

30th day of June, 1842, except for revenue necessary for the government economically administered.

The protest of Mr. Calhoun was unavailing. Mr. Clay himself resigned his seat in the Senate, partly, it may be, because the friends of protection were beseeching him to lend his aid in raising the duties; and this he could not have done, without violating his solemn declaration made in 1833, that the compromise act was "a treaty of peace and amity" not to be disturbed,* and departing from the sentiments avowed in his speech on his resolutions, that specific duties and discriminations were unwise and unjust, and the *ad valorem* principle was entitled to the preference.†

But, in the absence of Mr. Clay, there were other champions of protection to take his place, and the renewal of this perilous policy had been predetermined. Were it not for the disordered currency, the large expenditures, and the excessive issues of paper money by the banks, the influence of the compromise act would have been healthful. But the sudden reduction of the duties, on the 31st of December, 1841, in the then embarassed condition of the country, occasioned a great falling off in the revenue. This was a misfortune, as Mr. Calhoun readily admitted; and he would cheerfully have favored any temporary expedient, or any moderate change in the tariff system, which would have made good the deficiency and prevented a recurrence of the evil. With this the manufacturers were not content; they wanted to substitute

* Speech in the Senate, February 15, 1833.
† Speech, March 1, 1842.

the old protective duties for the revenue duties,* and to restore the specific features and the minimums.

In the first place, a provisional tariff bill was passed, extending the compromise act to the 1st of August, as the minimum was reached on the 30th of June, 1842, and after that date no duty exceeding twenty per cent. was to be collected, nor that even, as was thought by many, without some special law. The provisional bill required the duties to be collected at the same rates as were collectable on the 1st of June: it also postponed the distribution of the proceeds of the public lands, but did not surrender the principle, and Mr. Calhoun and other Republican senators therefore opposed it. It was vetoed by the President; and the act of 1842, establishing a rate of duties averaging nearly forty per cent. on the aggregate value of imports, and of course highly protective, subsequently passed both houses—each by a single vote—and was reluctantly signed by the President. It is almost unnecessary to say, that Mr. Calhoun opposed the passage of this bill from first to last. He likewise delivered an able speech against it on the 5th of August, and pronounced it to be decidedly worse than "the bill of abominations." Its protective features were artfully concealed under specific rates and minimums, but its true character could not be mistaken, and it was generally con-

* The terms *protective duty* and *revenue duty* are often misapplied. A *revenue* duty is one whose increase would be followed by an increase of revenue, or which is already fixed at the maximum of revenue; and a *protective* duty is one aiming at absolute prohibition, or which must be reduced in order to increase the revenue by encouraging importation.

demned throughout the country, by all except the manufacturers and the ultra Whigs.

On the 20th day of August, 1842, the Senate ratified the treaty of Washington, or the Ashburton treaty, by which the northeastern boundary was satisfactorily settled, by the decisive vote of 39 to 9. Mr. Calhoun voted with the majority, and delivered a speech in favor of the treaty, marked by great ability and power, which elicited the highest encomiums in England as well as in America. He had never doubted the justice of the claims of Maine, yet, as the United States had in effect agreed to compromise the question by submitting it to arbitration, he approved of the treaty as a fair and honorable settlement of the difficulty. He fully concurred in the sentiments afterwards expressed so pertinently and forcibly by Sir Robert Peel, in reference to this and the Oregon question, that it was "the better policy to propose, in the spirit of peace, conditions perfectly compatible with the honor of each country, and not requiring from either any sacrifice, territorial or commercial, which would not be dearly purchased by the cost of a single week's hostilities." *

* Address to his constituents at Tamworth, 1847.

CHAPTER XI

Oregon.—Mr. Calhoun Resigns.—Secretary of State.—Annexation of Texas.—Polk's Administration.—Mr. Calhoun Returns to the Senate.—War with Mexico.—Slavery.—Mr. Clay's Plan of Compromise.—Last Speech of Mr. Calhoun.

For reasons similar to those which had influenced him in voting for the ratification of the Treaty of Washington, Mr. Calhoun opposed the efforts, whether intentional or otherwise, made during the latter part of Mr. Tyler's administration and the first year of Mr. Polk's, to produce a war between the United States and Great Britain on account of the Oregon difficulty. He did not think that the title to the whole of Oregon, as high as 54° 40′, was entirely unquestionable. On the contrary, he was of the opinion, that the 49th parallel, or some line near that, should be adopted as the boundary. As he regarded this matter, both nations were committed, by the negotiations of 1818, 1824 and 1826-27, to a compromise of the question by the mutual surrender of a part of their respective claims; and at the session of 1842-43, he delivered a speech on the Oregon bill, introduced by Mr. Linn, of Missouri, which provided for granting lands, and for commencing systematically the colonization and settlement of the terri-

tory in dispute. He opposed the bill, and insisted that it was neither wise nor prudent to assert at that time the exclusive right to the territory, as the bill contemplated. In his view, the position of the United States should be one of masterly inactivity. The possession of the Pacific coast was of great importance to them, as it could not be doubted that their authority would soon extend from ocean to ocean. The naval superiority of Great Britain, in men and *matériel,* if not in efficiency, was not to be doubted nor denied, and it was evident that she could dispatch troops and munitions of war to Oregon with about as much facility as the United States, or, from her East India possessions, with even greater ease. He was in favor therefore, of leaving causes already in operation, to work as they had done, silently. The tide of voluntary emigration from the older States and territories was passing beyond the Rocky Mountains; and it was more than probable, that in a few years Oregon would contain a large population, ready and willing, if the title of the United States should then be asserted by force of arms, essentially to aid in its support and defence.

At the close of this session, which terminated in March, 1843, Mr. Calhoun resigned his seat in the Senate. His private affairs had become considerably embarrassed, in consequence of his protracted absences from home, and his inability to supervise and direct their management except during brief intervals. Of senatorial honors, too, he had had enough to satisfy the ambition of any man. Many of his friends, doubtless, looked forward to his elevation to

the highest office in the nation,—as they had a right to do, for he was in every way worthy of this proud distinction, and would have conferred more honor upon it than would have been reflected upon himself. Did he cherish any aspirations of this character, they were confined to his own bosom, and never gave him a moment's pain. Retired to the privacy of his beautiful home at Fort Hill, in the vicinity of Pendleton Court House, he was far happier, in the enjoyment of domestic happiness, and in the occupations and pursuits of a planter, than while mingling in the bustle and turmoil of party politics, which was wholly unavoidable while he was at Washington.

But as the war-horse never forgets the sights and sounds that animated him on the field of battle, so he remembered the important subjects that had engrossed his attention, and taxed his powers, in the stormy debate; and if he did not long to participate again in the strife, his thoughts were often turned to the spot where "the war of words was high." The theory of our government—of all governments—was still his study; and politics, in the enlarged, more comprehensive, and philosophical sense of the term, daily attended him in his study and in his walks, as familiar spirits with whom he loved to take sweet counsel together.

On the 28th of February, 1844, Mr. Upshur, the talented and accomplished Secretary of State, was suddenly killed on board the steamer *Princeton,* by the explosion of one of its guns. Previous to the occurrence of this melancholy event, negotiations had been opened between the authorities of Texas and

those of the United States, for the annexation of her territory to that of the latter power.

Mr. Calhoun had been long known as a warm friend to the acquisition of Texas. He was never of the opinion that Louisiana extended beyond the Sabine, and did not, therefore, as a member of Mr. Monroe's cabinet, disapprove of the surrender of the American claim to the territory west of that river.* In May, 1836, he proposed the recognition of the independence of Texas, by a resolution introduced into the Senate; in 1837, he voted for the acknowledgment of her independence; in 1838, he supported a resolution declaring that the acquisition of Texas was desirable, whenever it could be made with her consent, and consistent with the treaties, faith, and stipulations of the United States; and when Texas had maintained her position of successful rebellion for a period of nine years, during which time she had exercised before the world all the rights and powers of an independent State, he did not consider it requisite or necessary to consult the government from whose authority she had revolted, before entering into a treaty of annexation with her.

There were several powerful reasons, as Mr. Calhoun thought, which imperatively demanded the annexation of Texas to the territories of the United States. In the first place, it was important because of its proximity to New Orleans, the great emporium of the valley of the Mississippi, and the liability of the latter to be attacked from it under numerous disadvantages, in a state of war; in the second place, it

* Address to the People of the Southern States, July 5th, 1849.

was important, because England desired to secure Texas as a commercial dependency,* from which she could obtain cotton in abundance for her manufactories, and live oak for the use of her immense naval establishment,—and thus the pecuniary interests of the cotton-growing States, which furnished the English manufacturers with their chief supply of the raw material, were likely to be seriously prejudiced; and in the third place, it was important, because England and France were exerting all their influence to prevent the annexation, and the former had favored projects for the abolition of slavery in Texas, which, if it should take place, could not fail to disturb the peace and tranquillity of the American Union. † It is true, that the British Secretary of Foreign affairs (Lord Aberdeen), while admitting the desire of his government to witness the abolition of slavery in Texas, insisted that they had no intention of interfering in any way with the institutions of the United States, or of any portion of them; ‡ but it is equally true, that frankness never characterized British diplomacy. Lord Aberdeen had had an interview with a deputation of the World's Convention, upon the subject of procuring the abolition of slavery in Texas; and he had publicly avowed his feelings and wishes in this respect, on the floor of Parliament. § It was notorious, too, that the Canadas had for years

* See the Speech of Mr. Houston in the U. S. Senate,—Congressional Globe—2d session, 29th Congress—p. 459.

† Letter of Mr. Calhoun to Mr. Pakenham, April 18, 1844.

‡ Senate Doc. 341—1st session, 28th Congress—p. 48.

§ Conversation in the House of Lords, between Lord Brougham and Lord Aberdeen—See London Morning Chronicle, August 19, 1843.

been filled with the emissaries of British abolitionists, who were constantly engaged in efforts to promote the escape of slaves from their masters in the Southern States of the Union; and it could not be doubted that they anticipated a much better field for their operations, if slavery could be abolished in Texas, close upon the borders of the slaveholding States.

Such being the well-known sentiments of Mr. Calhoun with reference to the proposed annexation of Texas, he was invited by President Tyler, who had reconstructed his cabinet from the members of both political parties, to take the place at the head of the State Department made vacant by the death of Mr. Upshur. After some hesitation, which was at length overcome by the importance of this pending question, Mr. Calhoun accepted the appointment—the nomination having been unanimously confirmed by the Senate without even going through the formality of a reference to a committee—and immediately repaired to his post at Washington. On the 12th day of April, 1844, he had the gratification of signing a treaty of annexation with the representatives of the Texan government.

The treaty was discussed for several weeks in the Senate, but was finally rejected by that body, partly on account of political considerations and the objection of the northern Whig senators to the extension of the slave territory of the Union; but mainly, for the reason, that the boundaries of Texas were not defined, though it was well understood that she laid claim to all the territory North and East of the Rio del Norte, or Rio Grande, not belonging to the United

States—the justice of which claim was disputed by most, if not all, the senators who voted against the treaty. No provision was inserted in the treaty in regard to the boundary, because it proposed to annex Texas as a territory, and the right to settle it would, of course, belong to the government of the United State. In this view of the case, as soon as the treaty was concluded, the American *chargé d'affaires* was instructed by Mr. Calhoun to assure the Mexican Government that the President of the United States desired to settle all questions between the two countries that might grow out of the treaty, or any other cause, on liberal and satisfactory terms; and that the boundary of Texas was purposely left undefined in the treaty, in order that it might be an open question to be fairly and fully discussed and settled.* An envoy was shortly after sent to Mexico, with instructions to make the same assurances, and with full powers to enter upon the negotiation.†

Meanwhile, Mr. Polk had been put in nomination for the presidency by the Republican (Democratic) party, as the avowed friend of the immediate annexation of Texas; and at the election in the fall of 1844, he was triumphantly chosen over Mr. Clay, the Whig candidate, and a decided opponent of the measure. Other questions—such as the protective policy, internal improvements, a national bank and an independent treasury—were likewise at issue. Upon these Mr. Polk coincided with Mr. Calhoun, and the latter was highly gratified at his success.

* Senate Doc. 341—1st session, 28th Congress—p. 53.

† Documents accompanying President's Message, 2nd session, 28th Congress.

Public opinion being now ascertained to be favorable to the annexation, a joint resolution was brought forward and passed at the second session of the twenty-eighth Congress, under which Texas was at length annexed. On the accession of Mr. Polk, in March, 1845, many of Mr. Calhoun's friends were quite anxious that he should be continued in the cabinet, in the office of Secretary of State, but he promptly informed the new president, that he was unwilling to remain in the cabinet. He was not by any means unfriendly to the incoming administration, but he desired to maintain a position of *quasi* independence. But aside from this consideration, there were other reasons that influenced him. There were, among the supporters of Mr. Polk, many who were not favorable to the annexation of Texas, or who were dissatisfied with the manner in which it had been effected; * and it was to be feared that, if Mr. Calhoun remained in the cabinet, they would attempt to embarrass the administration, for the reason that he had been the most efficient agent in securing that valuable acquisition of territory. He had also questioned the propriety of a resolution adopted by the convention that nominated Mr. Polk, in favor of asserting the title of the United States to the whole of Oregon; and when he saw an effort making in the north and west, to force the question to a settlement, at the hazard of bringing on a war with Great Britain, he had opened

* Among the supporters of Mr. Clay there were probably as many who approved of the annexation, as there were friends of Mr. Polk who opposed it.

a negotiation with the British minister for the adjustment of the conflicting claims. His course in this respect was not satisfactory to all the republican members from the northern and western States, and the harmony of the party, for the time at least, was probably secured by his retiring from the cabinet.

But Mr. Polk shared in the feeling common to the prudent and sagacious politicians in both parties, that Mr. Calhoun's abilities—his caution, skill, and foresight,—might be of great benefit to the country in a diplomatic capacity, and therefore tendered to him the mission to England. This he declined, both on account of the indisposition of his daughter, and because of his firm conviction that the Oregon difficulty, in regard to which he felt great anxiety, could be settled only at Washington —that "the peace," as he said, "was to be made here."

Mr. Calhoun had been succeeded in the Senate by Judge Huger, but the expression of the whole South was so earnest and so united in favor of the return of the former to his old position, that the Judge resigned his seat, and Mr. Calhoun was chosen to fill the unexpired term. He would willingly have retired once more to private life, but his friends insisted that the country had need of his services in the settlement of the Oregon question, and he yielded to their wishes. He again took his place in that august body of which he had long been one of the most distinguished ornaments, and had the proud satisfaction of defending the Oregon

treaty of 1846, and of contributing to its ratification by his vote.

In November, 1845, a South-Western Convention, composed of delegates from the southern and western States, was held at Memphis, Tennessee. Mr. Calhoun attended as a delegate from South Carolina, and was chosen president of the convention. Its object was to promote the development of the resources of the western and south-western States; and resolutions, and a memorial to Congress, setting forth the objects had in view, and the action required by the general government, were adopted. Mr. Calhoun did not concur in all the proceedings, though approving of them in the main. He presented the memorial in the Senate, at the first session of the twenty-ninth Congress, and on his motion it was referred to a select committee of which he was made chairman. On the 26th of June, 1846, he made a report, luminous in style and masterly in argument, in which may be found his matured opinions upon the subject of improvements by the general government, more particularly with respect to harbors and rivers.

He thought that the navigation of the Mississippi river and its navigable tributaries, where three or more States bordered upon them—which was the main subject of consideration at the Memphis Convention—might and ought to be improved by the general government, by the removal of obstructions. He derived the power to make these improvements, not from the clause in the constitution authorizing Congress to provide for the "common defence and

general welfare," but from that authorizing Congress to "regulate commerce with foreign nations and among the several States." Harbors for shelter and for the navy, he was of opinion, might be made in the Mississippi and its tributaries; but canals around falls or other obstructions could not be made, except that where they passed through the public domain, alternate sections of land might be granted to aid in their construction. Where a tributary of the Mississippi was bordered by less than three States, he thought it should be improved by the State or States which it intersected, or by individuals. The same principles he applied to other rivers emptying into the Gulf of Mexico, the Atlantic, and the lakes. He also expressed the opinion that the power to regulate commerce embraced the establishment of light-houses, piers, buoys, beacons, and harbors for shelter and the navy, on the sea coast, the lakes, and the rivers intersecting three or more States. Commercial harbors, he thought, should be constructed by the States; and Congress should empower them to lay tonnage duties for this purpose. The general government, he maintained, had no power to aid directly in the construction of roads or canals, but, as in the case of canals around falls, alternate sections of the public land intersected by them might be granted, because such improvements were calculated to raise the value of the remaining sections.

Cherishing these views, Mr. Calhoun cordially approved of the veto of the Harbor and River bill by President Polk, in August, 1846, and of the gen-

eral principles of his special message on the subject of internal improvements, dated the 15th of December, 1847.

At the session of 1845-6, Mr. Calhoun was gratified by the reënactment of the Independent Treasury bill, with some modifications which experience had shown to be necessary, and doubly so, by the establishment of a new tariff of duties based upon strict revenue principles. The protracted struggle was brought to a close. Free trade was at length triumphant. There was an end of distribution sustained by a protective tariff. The important truths which he had labored so long to establish were now acknowledged with a unanimity that promised to ensure the much desired permanence in the imposition and collection of duties. The effect of this great triumph was not confined to this side of the Atlantic; Cobden and his associates were inspired to new efforts by the success of Calhoun; and the ablest statesmen of Great Britain, the Peels and the Russells, yielded to the influences that were breaking down the barriers of commercial intercourse. Mr. Calhoun would have been more than human, had he not rejoiced to witness this result of his exertions. But he indulged in no unseemly expressions of gratification.

Having aided in the settlement of the Oregon question, and in the enactment of the tariff law of 1846, Mr. Calhoun would now gladly have returned to the peace and quietude of the happy home, ever cheered and enlivened by his presence; for his private affairs demanded his attention, and his health

was considerably impaired. It was his misfortune, too, to be constantly misrepresented by some of the friends of the administration, who seemed unable to comprehend the motives that prompted him to vote in opposition to them, when required by the rigid adherence to his principles, which it was his pride to maintain. But the war with Mexico induced him to remain in the Senate, to which he was reëlected for another term in 1846, and to continue in the position which he had graced, and in which it was his happy fate to die, "with the harness on his back."

Had he conducted the negotiations for the annexation of Texas from the beginning, under the administration of Mr. Tyler, it is highly probable that our peaceful relations with Mexico would have been preserved. He was a great enemy to war, and his policy was always that of peace. He had long feared that hostilities with Mexico would ensue, and yet he thought, to the last, a collision might have been avoided. Influenced by these feelings, he refused to vote either for or against the act of May, 1846, declaring the existence of a state of war; yet he supported for the most part the measures of the administration, looking to the vigorous prosecution of hostilities, till the session of 1847-8, when he proposed resolutions disapproving of the conquest of Mexico, for the purpose of incorporating it into the Union, or holding it as a province; and on the 4th of January, 1848, he delivered a speech in their favor. At the previous session he had suggested the withdrawal of the American troops to

a defensive line, and the occupation of the territory behind it, and the blockade of the ports of Mexico, till terms of peace were accepted. His resolutions were offered for the same purpose, and he enforced his views upon the defensive policy with great ability. Before any final action was had upon his resolutions, the treaty of Guadalupe Hidalgo was laid before the Senate and ratified with his vote.

But a grave and important question arose out of the war—one which Mr. Calhoun anticipated, and which agitated the country from one end to the other. By the treaty of peace, California and New Mexico were annexed to the United States, and the Rio Grande was established as the southwestern boundary of the Union with the assent and concurrence of the Mexican government. The Abolition feeling had been constantly increasing at the North, and the Whig party there, with very few exceptions, and a considerable portion of the Democrats, were more or less under its influence, even though many of them deprecated the constant agitation of the subject. Sectional animosities had been aroused; at the North, the article of the Constitution, and the laws of Congress providing for the recapture of fugitive slaves, had been repeatedly disregarded or set at defiance; and questionable measures of retaliation had been adopted in some of the southern States.

An effort was now made in Congress to prohibit the extension of slavery to the territory acquired from Mexico, at the time of forming territorial governments. Mr. Calhoun contributed with all

his might and zeal in resisting every effort of this character, and on the 27th of June, 1848, he made an able speech in reply to Mr. Dix of New York, on the bill providing a territorial government for Oregon, which it was proposed to amend, so as forever to exclude slavery therefrom. He denied that Congress had the exclusive right of legislation over the territories, and insisted that it could not, by its action, take away from the people the power of making such municipal regulations as they pleased, when state constitutions were adopted. He also defended the institution of Slavery, but at the same time contended that the abstract question of Slavery was merged in the higher one of self-defence on the part of the Southern States. The North, he said, was bent on securing the balance of power, and that once gained, abolitionism would break down the ramparts of the Constitution, and the rights of the States would no longer be respected. At the session of 1847-8, the Slavery question prevented the passage of territorial bills; but at the ensuing session the subject was again agitated.

In the meantime the presidential election had taken place, and the Whig candidate, General Taylor, who refused to commit himself on the question, was elected over General Cass, the Democratic nominee, who had opposed the efforts of the Slavery exclusionists. Mr. Calhoun was much chagrined at this result, and when Congress came together in December, 1848, he advised a meeting of the members from the slaveholding States to be held, to deliberate on the course proper to be pursued. His ad-

vice was followed; a meeting was held; and an address prepared by him was adopted, which reviewed the origin and history of the abolition movement, and the aggressions upon the rights of the South, and pointed out the evils which must result, and the necessity of united and harmonious action to prevent them. This session also passed by without a settlement of the question, and in the summer of 1849 Mr. Calhoun had occasion again to make known his opinions, in an address to the people of the Southern States, dated at Fort Hill on the 15th of July, in reply to a speech of Colonel Benton to his constituents in Missouri, charging the former with having repeatedly abandoned the interests of the South, and with endeavoring to promote the dissolution of the Union. Mr. Calhoun defended himself with more than his usual ability, and sometimes with not a little asperity. He retraced his whole course in public life, and insisted that he had ever been, as he ever should be, firm in maintaining the rights of the slaveholding States under the compromises of the Constitution, and faithful to the Union so long as it could be preserved in the spirit of its inception.

When Congress again came together, Mr. Calhoun was in feeble health, in consequence of a pulmonary complaint of long standing which had been for some time growing upon him more rapidly than it had done, for the reason probably, that his mind was kept in a constant state of excitement by the agitation of the slavery question. Meanwhile California had adopted a state constitution prohibiting

slavery, and now applied for admission into the Union, supported by a favorable recommendation of the president, General Taylor. The elements of controversy were at once roused up more fiercely than before, and the Union seemed about to be violently ruptured. Various propositions were offered with the hope of settling the difficulty forever, and among others, Mr. Clay offered a series of resolutions as a compromise, or an amicable arrangement of the questions in controversy. The general features of Mr. Clay's plan were,—the admission of California; the formation of territorial governments for the remainder of the territory acquired from Mexico, without containing any provision whatsoever in regard to slavery; declaring that the abolition of slavery in the District of Columbia was inexpedient, that the trade in slaves brought from without the District ought to be prohibited therein, but that Congress possessed no power to obstruct the slave trade between the States; and the more effectual provision by law for the restitution of fugitive slaves.

Mr. Calhoun had convinced himself that if California were admitted as a State, and the balance of power thus assured to the non-slaveholding States, there would be no security for the South without an amendment of the Constitution. Day after day, in the early part of the session, he took his place punctually in the Senate, until his failing strength warned him that the hand of the destroyer was already upon him. He then retired to his room, and there prepared his speech on the Slavery Question

—the last great effort of his powerful mind. Unable to deliver it himself, it was read in his presence by his colleague, Judge Butler, on the 4th day of March, 1850. The essential and practical conclusion of this great historical political address may be found in the following passage:

"Having now shown what cannot save the Union, I return to the question with which I commenced—How can the Union be saved? There is but one way by which it can, with any certainty, be saved, and that is by a full and final settlement, on the principles of justice, of all the questions at issue between the two sections. The South asks for justice, simple justice, and less she ought not to take.

"But can this be done? Yes, easily; not by the weaker party, for it can of itself do nothing—not even protect itself—but by the stronger. The North has only to will it, to do justice, and perform her duty, in order to accomplish it—to do justice by conceding to the South an equal right in the acquired territory; and to do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled—to cease the agitation of the slave question, and provide for the insertion of a provision in the Constitution by an amendment, which will restore in substance the power she possessed of protecting herself before the equilibrium between the sections was destroyed by the action of this government. There will be no difficulty in devising such a provision—one that will protect the South, and which at the same time will improve and strengthen the government, instead of impairing or weakening it."

Mr. Calhoun's position in regard to the necessity of amending the Constitution was not generally concurred in by the other representatives from the Southern States; but most of them, if not all, agreed with him, that the South should not be denied an equal participation in the acquired territory, and that the true policy of the general government was

non-interference, or, in other words, that in the formation of territorial governments, Congress should have nothing to do with the question of slavery, but leave the people of the States to be formed free to act as they chose. Non-intervention being conceded, the owners of slaves would have the same right to go to the territories that others would, and to take their slaves with them, just as others could their property. In this way the South would have an equal chance, as Mr. Calhoun contended she ought, in the settlement of the territories.

The result in Congress was the passage of Mr. Clay's proposition, but in a series of bills instead of in one measure.

CHAPTER XII

Death of Mr. Calhoun.—His Family.—Personal Appearance.—Character.—Mental Powers.—Style as Speaker and Writer.—Course as a Statesman.—Popularity.

FAITHFUL to his duty unto the end, Death found Mr. Calhoun at his post. Feeble though he was in body, to the very close of his earthly pilgrimage he was sustained by the wonderful energy and power of an intellect that never knew what it was to be dependent. Like Chatham, wrapped up in flannels, he occasionally crawled to the Senate chamber to take his friends by the hand, and to encourage them to stand firmly by the rights of the South; and on the 13th of March, his voice was heard for the last time in debate, no longer clear as a trumpet, but often giving way with the failure of the powers of utterance—quivering from weakness and husky with emotion, yet still indicating the unconquerable will and determination of his character. It was the triumph of mind over matter,—of the immortal spirit over the frail body that contained it!

The last words of Mr. Calhoun in the Senate were uttered on this occasion, in defence of his proposition for the amendment of the Constitution, which had been assailed by several senators in the course of the discussion. The scene was an exciting one, he was nearly overcome, and returned to his private

room only to die. The slavery question was the engrossing subject that occupied his mind. He wished to see the Union preserved, but he feared that the slaveholding States would be driven to secede. His friends were not interdicted from visiting him, and he conversed with them freely until it was evident that his powers were fast giving way, and that his ever-active mind was wearing out the body. At intervals he employed himself in writing or in looking over his papers: this taxed his strength less than conversation, yet intense and earnest thought, like the vampire, was constantly draining the life-blood from his heart.

His son, John B. Calhoun, a physician, was with him for several weeks previous to his death, and other friends almost equalled his filial devotion in their kind attentions. On the 30th of March, it could no longer be doubted that the hours of the great statesman would soon be numbered. In the morning he was restless and much weaker than he had ever before been. He sat up, however, for a couple of hours during the day; and toward evening, the stimulants which had been employed to protract life seemed to have regained their power, and he conversed with apparent ease and freedom, mainly upon the absorbing topic, the slavery question. About half-past twelve, that night, he commenced breathing very heavily—so much so as to alarm his son. The latter inquired how he felt; he replied that he was unusually wakeful, but desired his son to lie down. His pulse was then very low, and he said he was sinking but he refused to take any

more stimulants. The son lay down, but in a little more than an hour was aroused, by his father calling in a feeble voice, "John, come to me!" His respiration now denoted great physical weakness, though it did not appear to be difficult. When his son approached him he held out his arm, and remarked that there was no pulsation at the wrist.

He then directed his son to take his watch and papers and put them in his trunk, after which he said that the medicine given to restore him had had a delightful effect and produced an agreeable perspiration. In reply to an inquiry as to how he had rested, he stated that he had not rested at all; but he assured his son that he felt no pain, and had felt none during the whole attack. A little after five o'clock in the morning of the 31st, his son asked him if he was comfortable. "I am perfectly comfortable," he replied. These were his last words.

Shortly before six o'clock, he made a sign to his son to approach the bed. Extending his hand, he grasped that of his son, looked him intently in the face, and moved his lips, but was unable to articulate. Other friends were now called in, and a fruitless effort was made to revive him. Meanwhile he was perfectly conscious, and his eyes retained their brightness, and his countenance its natural expression. But the golden cord was about to be severed —and in a few moments he drew a deep inspiration, his eyes closed, and his spirit passed, "like the anthem of a breeze, away."

The death of Mr. Calhoun was announced in the

Senate, in a most impressive manner, by his friend and colleague, Judge Butler, on the first of April. Eloquent and feeling addresses were also made by Henry Clay and Daniel Webster, the great rivals of the deceased in talents and in fame. Appropriate funeral honors were, of course, paid to his memory by the assembled Representatives of the States. The sad event was not altogether unexpected; and it elicited, at Washington not only, but in every town throughout the wide Union, a general and sincere expression of regret. Forms and ceremonies may be but idle show, yet this was the genuine homage paid to departed worth.

On the 2d day of April, the funeral ceremonies were held, and the remains of Mr. Calhoun were then conveyed to Charleston, accompanied by a committee of the Senate. They found a whole people in tears. South Carolina truly mourned her loss; and the citizens of her metropolis, with all the outward manifestations of mourning—a funeral procession, halls and balconies draperied in crape, the tolling of bells, muffled drums and plaintive music, drooping plumes and shrouded banners—received all that was left of him who had constituted the chief glory of his native State, and whose greatness, like the giant pine of her virgin forests, towered far heavenward.

Mr. Calhoun was married in early life to a cousin by the name of Caldwell, who survived him. They had three sons: Andrew P. Calhoun, a planter; Patrick, an officer in the army; and John B., a physician. They had several daughters, also, one of whom

married Thomas G. Clemson, of Pennsylvania, at one time *chargé d'affaires* to Belgium.

No one ever saw Mr. Calhoun for the first time without being forcibly impressed with the conviction of his mental superiority. There was that in his air and in his appearance which carried with it the assurance that he was no common man. Miss Martineau termed him, in her "Travels in America," the cast-iron man, "who looked as if he had never been born." In person he was tall and slender, and his frame appeared gradually to become more and more attenuated till he died. His features were harsh and angular in their outlines, presenting a combination of the Greek and the Roman. A serene and almost stony calm was habitual to them when in repose, but when enlivened in conversation or debate, their play was remarkable.

His countenance, when at rest, indicated abstraction or a preoccupied air, and a stranger on approaching him could scarcely avoid an emotion of fear; yet when he spoke the fire of genius blazed from his eye and illumined his expressive features. His individuality was stamped upon his acute and intelligent face, and the lines of character and thought were clearly and strongly defined. His forehead was broad, tolerably high, and compact, denoting the mass of brain behind it. Until he had passed the grand climacteric, he wore his hair short and brushed it back, so that it stood erect on the top of his head, like bristles on the angry boar, or "quills upon the fretful porcupine," but toward the close of his life he suffered it to grow long, and to fall in

heavy masses over his temples. His eyes were his most striking features: they were dark blue, large and brilliant; in repose glowing with a steady light, in action fairly emitting flashes of fire.

His character was marked and decided, not prematurely exhibiting its peculiarities, yet formed and perfected at an early age. He was firm and prompt, manly and independent. His sentiments were noble and elevated, and everything mean or grovelling was foreign to his nature. He was easy in his manners, and affable and dignified. His attachments were warm and enduring; he did not manifest his affection with enthusiastic fervor, but with deep earnestness and sincerity. He was kind, generous and charitable; honest and frank; faithful to his friends, but somewhat inclined to be unforgiving toward his enemies. He was attached to his principles and prejudices with equal tenacity; and when he had adopted an opinion, so strong was his reliance upon the correctness of his own judgment, that he often doubted the wisdom and sincerity of those who disagreed with him. He never shrank from the performance of any duty, however painful it might be,—that it was a duty, was sufficient for him. He possessed pride of character in no ordinary degree, and, withal, not a little vanity, which is said always to accompany true genius. His devotion to the South was not sectional, so much as it was the natural consequence of his views with reference to the theory of the government; and his patriotism, like his fame, was coëxtensive with the Union.

In private life Mr. Calhoun was fitted to be loved

and respected. Like Jefferson, Madison, Marshall, and the younger Adams, he was simple in his habits. When at home, he usually rose at daybreak, and, if the weather admitted, took a walk over his farm. He breakfasted at half-past seven, and then retired to his office, which stood near his dwelling house, where he wrote till dinner-time, or three o'clock. After dinner he read or conversed with his family till sunset, when he took another walk. His tea hour was eight o'clock; he then joined his family again, and passed the time in conversation or reading till ten o'clock, when he retired to rest. His social qualities were endearing, and his conversational powers fascinating in the extreme.

In his dress he was very plain, and rarely appeared in anything except a simple suit of black. His constitution was not naturally robust; but notwithstanding the ceaseless labors of his mind, by a strict attention to regimen and the avoidance of all stimulants, his life was prolonged almost to the allotted three score and ten.

He was neither metaphysical nor subtle, in the sense in which mere schoolmen use those terms. He seemed to have studied the philosophy as well as the rules of logic; or, if not that, the faculty of reasoning with accuracy was natural to him. He was capable of generalizing and of drawing nice distinctions. He was shrewd in argument, and quick to observe the weak points of an antagonist. Of dialectics he was a complete master, whether synthetically or analytically considered. But his great power lay in analysis. He could resolve a complex argument or

an idea into its original parts, with as much facility as the most expert mechanic could take a watch to pieces; and it was his very exquisiteness in this respect, that caused him to be regarded by many as sophistical and metaphysical.

He was fond of tracing out the causes which led to an effect, and of considering the vast combinations of circumstances that produced a certain result, or what in politics he called a juncture or a crisis. In the readiness and rapidity with which he analyzed and classified his thoughts, he had no superior, if he had an equal, among the public men of his day. While at the law school in Litchfield, he accustomed himself to arrange the order of his thoughts, before taking part in a debate, not upon paper but in his mind, and to depend on his memory, which was peculiarly retentive. In this manner both his mind and memory were strengthened, and the former was made to resemble a store-house full to overflowing, but with everything in its appropriate place and ready for any occasion.

Like his life, Mr. Calhoun's style was simple and pure, yet for this very reason often rising to an elevation of grandeur and dignity, which elaborate finish can never attain. It was modelled after the ancient classics, and distinguished for its clearness, directness, and energetic earnestness. His words were well chosen, and showed severe discipline in his early studies; but he never stopped to pick or cull them in the midst of a speech, for at such times his ideas seemed to come forth full clothed, like Minerva from the brain of Jupiter. He occasionally

made use of a startling figure, or an antithetical expression, but there was no redundancy of ornament, though—if that could be a blemish—there was a redundancy of thought.

He was in the habit of laying down a few simple abstract truths, and arguing upon and explaining and elucidating them. Almost every sentence, therefore, in one of his speeches, was a political text; and the arguments and illustrations which he employed to establish the correctness of his great principles were the clippings of the diamond—scintillations of the brilliant thought from which they emanated.

His speeches, letters, and reports would fill volumes, yet they are well worthy of collection in a permanent form. They contain a vast fund of information with reference to the political history of the country, and mines of thought on political science. For some years previous to his death he was engaged on a work in three parts, entitled "The Theory of Governments." The first part was completed early in 1849, and the two remaining parts were nearly finished at the time of his decease.

It has been said that he was no orator. It is true that he did not cultivate the graces of oratory, but he wielded its power with a giant's force. In discussing serious questions, he was usually calm though impressive; and when he first rose to speak, he almost always bent forward as if from diffidence. But when fully aroused, he became stern and erect in his bearing, his voice rang loud and shrill, and his eyes glistened like coals of fire. A steady flow of words came from his lips, and sometimes they

rushed so rapidly that he seemed obliged to clip them off to make room. Intense earnestness characterized his delivery, and this is one of the highest attributes of true eloquence. In listening to him you felt that he was sincere, and it was impossible to look at him without being moved.

He was no mere theorist. He never desired, as we have seen in his course in regard to the currency and the tariff, to suddenly undo a system of bad measures, and adopt an opposite system. He favored gradual changes, and this is high evidence of the practical character of his mind.

The theory of this government was for many years his study; he was perfectly familiar with our foreign relations; but upon the currency question he was especially at home, and he discussed it with the sagacity of a philosopher, the foresight of a statesman, and the practical skill of a financier.

Independence and integrity were conspicuous traits of Mr. Calhoun. "I never know," he said, "what South Carolina thinks of a measure. I never consult her. I act to the best of my judgment, and according to my conscience. If she approves, well and good. If she does not, or wishes any one else to take my place, I am ready to vacate. We are even." He was no friend to progressive democracy, nor did he think that liberty and license were synonymous terms. "People do not understand liberty or majorities," he remarked. "The will of a majority is the will of a rabble. Progressive democracy is incompatible with liberty. Those who study after this fashion are yet in the hornbook, the *a, b, c,*

of governments. Democracy is levelling—this is inconsistent with true liberty. Anarchy is more to be dreaded than despotic power. It is the worst tyranny. The best government is that which draws least from the people, and is scarcely felt, except to execute justice, and to protect the people from animal violation of law."

Possessing such exalted talents, the question may be asked, why Mr. Calhoun did not reach the presidency; for his aspirations were often turned in that direction, though he would sacrifice no principle to reach that high station. A late writer * has enumerated three obstacles—his unconquerable independence, his incorruptible integrity, and the philosophical sublimity of his genius. That the first two contributed to this result is highly probable, but if by that other quality is meant an elevation of his genius entirely above the comprehension of the multitude, it is unjust to his character. He possessed no such transcendental faculty or attribute. Truth, in its simplicity and beauty—as Mr. Calhoun presented it—goes home to every heart. He was understood and appreciated by the masses. He was popular with the people but not with the politicians.

The death of Mr. Calhoun was a loss to the Union, but to South Carolina the blow was peculiarly severe. For more than forty years she had trusted and confided in him, and she never found him faithless or remiss in his duty. He had received many honors at her hands, but not one was undeserved, —she owed him a debt of gratitude which she could

* Gallery of Illustrious Americans, No. 2.

never repay. She has produced many distinguished men; yet his memory and fame will be dearer than those of her Laurenses, her Gadsdens, her Pinckneys, her Rutledges, or her Haynes. Her soil contains no nobler dust than that of JOHN CALDWELL CALHOUN.

> "Statesmen, yet friend to truth!—of soul sincere,
> In action faithful, and in honor clear,
> Who broke no promise, served no private end,
> Who sought no title, and who lost no friend!"

BIOGRAPHICAL MEMOIR

OF THE PUBLIC LIFE

OF

DANIEL WEBSTER

BY

EDWARD EVERETT

ABRIDGED AND EDITED FOR THIS SERIES BY

JOHN R. HOWARD

EDITOR'S PREFACE

The author of this biographical memoir of Daniel Webster was one of the noted men of his time. An eloquent Unitarian clergyman, Edward Everett was sought and served as Professor of Greek Literature in Harvard College, was elected ten continuous years in Congress, then four years successively as Governor of Massachusetts, was United States minister to England during Mr. Webster's secretaryship of state under Presidents Harrison and Tyler, and was the successor of that great man in the State Department after Webster's death. He was President of Harvard for three years, then elected United State Senator from Massachusetts, but feeble health compelled his resignation within a year. He was a noted orator, of a polished and elaborate style, and much sought after on occasions of literary or political importance. From youth to death he was a friend, admirer, and intimate associate of Daniel Webster, and therefore his account of the public services of the Massachusetts Senator are sure to be authentic and to represent matters from Mr. Webster's point of view—a matter of concern, if we would understand a man's words and deeds, and, further still, his motives.

The Memoir is naturally very full in explanation of certain disputed matters, which, however significant in their day, have passed out of remembrance. It contains many noble passages from Mr. Webster's speeches, and correspondence throwing light upon matters of discussion; it enlarges upon some points of importance in solving questions yet in abeyance when the memoir was written—in Mr. Webster's lifetime, but not now; and in other ways it presents matter which has been deemed unnecessary to the purposes of this Series, aiming to give authentic, readable, terse biographies of our greatest Americans. Material of that nature, therefore, has been eliminated; but the interest and the authority of the memoir stands unquestionable, the abridgment serving merely to relieve it of details no longer of concern to the general reader of to-day.

LIFE OF DANIEL WEBSTER

CHAPTER I

Parentage and Birth.—Early Education.—Exeter Academy.—Dartmouth College.—Study of the Law.—Fryeburg in Maine.—In the Office of Hon. Christopher Gore.—Admission to the Bar.—Commencement of Practice.—Removal to Portsmouth.

THE family of Daniel Webster has been established in America from a very early period. It was of Scottish origin, but passed some time in England before the final emigration. Thomas Webster, the remotest ancestor who can be traced, was settled at Hampton, on the coast of New Hampshire, as early as 1636, sixteen years after the landing at Plymouth, and six years from the arrival of Governor Winthrop in Massachusetts Bay. The descent from Thomas Webster to Daniel can be traced in the church and town records of Hampton, Kingston (now East Kingston), and Salisbury. These records and the mouldering headstones of village graveyards are the herald's office of the fathers of New England. Noah Webster, the learned author of the American Dictionary of the English Language, was of a collateral branch of the family.

Ebenezer Webster, the father of Daniel, is still recollected in Kingston and Salisbury. His personal appearance was striking. He was erect, of athletic

stature, six feet high, broad and full in the chest. Long service in the wars had given him a military air and carriage. He belonged to that intrepid border race, which lined the whole frontier of the Anglo-American colonies, by turns farmers, huntsmen, and soldiers, and passing their lives in one long struggle with the hardships of an infant settlement, on the skirts of a primeval forest. Ebenezer Webster enlisted early in life as a common soldier, in one of those formidable companies of rangers, which rendered such important services under Sir Jeffrey Amherst and Wolfe in the Seven Years' War. He followed the former distinguished leader in the invasion of Canada, attracted the attention and gained the good-will of his superior officers by his brave and faithful conduct, and rose to the rank of a captain before the end of the war.

Captain Webster was one of the settlers of the newly granted township of Salisbury, and received an allotment in its northerly portion. More adventurous than others of the company, he cut his way deeper into the wilderness, and made the path he could not find. At this time his nearest civilized neighbors on the northwest were at Montreal.

The following allusion of Mr. Webster to his birthplace will be read with interest. It is from a speech delivered before a great public assembly at Saratoga, in the year 1840:

"It did not happen to me to be born in a log cabin; but my elder brothers and sisters were born in a log cabin, raised amid the snowdrifts of New Hampshire, at a period so early that, when the smoke first rose from its rude chimney, and

curled over the frozen hills, there was no similar evidence of a white man's habitation between it and the settlements on the rivers of Canada. Its remains still exist. I make to it an annual visit. I carry my children to it to teach them the hardships endured by the generations which have gone before them. I love to dwell on the tender recollections, the kindred ties, the early affections, and the touching narratives and incidents, which mingle with all I know of this primitive family abode."

Soon after his settlement in Salisbury, the first wife of Ebenezer Webster having deceased, he married Abigail Eastman, who became the mother of Ezekiel and Daniel Webster, the only sons of the second marriage. Like the mothers of so many men of eminence, she was a woman of more than ordinary intellect, and possessed a force of character which was felt throughout the humble circle in which she moved.

About the time of his second marriage, Captain Ebenezer Webster erected a frame house hard by the log cabin. He dug a well near it and planted an elm sapling. In this house Daniel Webster was born, in the last year of the Revolutionary war, on the 18th of January, 1782.

The interval between the peace of 1763 and the breaking out of the war of the Revolution was one of excitement and anxiety throughout the Colonies. Like so many of the officers and soldiers of the former war, Captain Webster obeyed the first call to arms in the new struggle. He commanded a company, chiefly composed of his own townspeople, friends, and kindred, who followed him through the greater portion of the war. He was at the battle of White Plains, and was at West Point when the

treason of Arnold was discovered. He acted as a Major under Stark at Bennington, and contributed his share to the success of that eventful day.

If the character and situation of the place, and the circumstances under which Daniel Webster passed the first years of his life, might seem adverse to the early cultivation of his extraordinary talent, it still cannot be doubted that they possessed influences favorable to elevation and strength of character. The hardships of an infant settlement and border life, the traditions of a long series of Indian wars, and incidents of two mighty national contests, in which an honored parent had borne his part, were circumstances to leave an abiding impression on the mind of a thoughtful child, and induce an early maturity of character.

It may well be supposed that Mr. Webster's early opportunities for education were very scanty. Something that was called a school was kept for two or three months in the winter, frequently by an itinerant, too often a pretender, claiming only to teach a little reading, writing, and ciphering, and wholly incompetent to give any valuable assistance to a clever youth in learning either.

From the village library at Salisbury, also, Mr. Webster was able to obtain a moderate supply of good reading.

The year before Mr. Webster was born was rendered memorable in New Hampshire by the foundation of the Acadmey at Exeter, through the munificence of the Honorable John Phillips. To this Academy Mr. Webster was taken by his father in

May, 1796. He enjoyed the advantage of only a few months' instruction in this excellent school; but, short as the period was, his mind appears to have received an impulse of a most genial and quickening character. The following anecdote from Mr. March's "Reminiscences of Congress" will not be thought out of place in this connection:—

"It may appear somewhat singular that the greatest orator of modern times should have evinced in his boyhood the strongest antipathy to public declamation. This fact, however, is established by his own words, which have recently appeared in print. 'I believe,' says Mr. Webster, 'I made tolerable progress in most branches which I attended to while in this school; but there was one thing I could not do. I could not make a declamation. I could not speak before the school. The kind and excellent Buckminster sought especially to persuade me to perform the exercise of declamation, like other boys, but I could not do it. Many a piece did I commit to memory, and recite and rehearse in my own room, over and over again; yet when the day came, when the school collected to hear declamations, when my name was called, and I saw all eyes turned to my seat, I could not raise myself from it. Sometimes the instructors frowned, sometimes they smiled. Mr. Buckminster always pressed and entreated, most winningly, that I would venture. But I never could command sufficient resolution.' Such diffidence of its own powers may be natural to genius, nervously fearful of being unable to reach that ideal which it proposes as the only full consummation of its wishes. It is fortunate, however, for the age, fortunate for all ages, that Mr. Webster by determined will and frequent trial overcame this moral incapacity, as his great prototype, the Grecian orator, subdued his physical defect."—pp. 12, 13.

After a few months well spent at Exeter, Mr. Webster returned home, and in February, 1797, was placed by his father under the Rev. Samuel Wood, the minister of the neighboring town of Boscawen.

He lived in Mr. Wood's family, and for board and instruction the entire charge was one dollar per week.

On their way to Mr. Wood's, Mr. Webster's father first opened to his son, now fifteen years old, the design of sending him to college, the thought of which had never before entered his mind. "I remember," says Mr. Webster, in an autobiographical memorandum of his boyhood, "the very hill which we were ascending, through deep snows, in a New England sleigh, when my father made known this purpose to me. I could not speak. How could he, I thought, with so large a family and in such narrow circumstances, think of incurring so great an expense for me. A warm glow ran all over me, and I laid my head on my father's shoulder and wept."

From February till August, 1797, Mr. Webster remained under the instruction of Mr. Wood, at Boscawen, and completed his preparation for college. It is hardly necessary to say, that the preparation was imperfect. Short as was his period of preparation, however, it enabled Mr. Webster to lay the foundation of a knowledge of the classical writers, especially the Latin, which was greatly increased in college, and which was kept up by constant recurrence to the great models of antiquity, during the busiest periods of active life. The happiness of Mr. Webster's occasional citations from the Latin classics was a striking feature of his oratory.

Mr. Webster entered Dartmouth College in 1797, and passed the four academic years in assiduous study. He was not only distinguished for his at-

tention to the prescribed studies, but devoted himself to general reading, especially to English history and literature. He took part in the publication of a little weekly newspaper, furnishing selections from books and magazines, with an occasional article from his own pen. He delivered addresses, also, before the college societies, some of which were published. In the winter vacations he taught school.

Mr. Webster completed his college course in August, 1801, and immediately entered the office of Mr. Thompson, the next-door neighbor of his father, as a student of law, where he remained until application was made to him to take charge of an academy at Fryeburg in Maine, upon a salary of about one dollar *per diem,* being less than is now paid for the coarsest kind of unskilled manual labor. As he was able, besides, to earn enough to pay for his board and to defray his other expenses by acting as assistant to the register of deeds for the county, his salary was all saved,—a fund for his own professional education and to help his brother through college.

In September, 1802, Mr. Webster returned to Salisbury, and resumed his studies under Mr. Thompson, in whose office he remained for eighteen months. Besides his law studies, he gave a good deal of time to general reading, and especially the study of the Latin classics, English history, and the volumes of Shakespeare. In order to obtain a wider compass of knowledge, and to learn something of the language not to be gained from the classics, he read through attentively Puffendorff's "Latin History of England."

In July, 1804, he took up his residence in Boston, and enjoyed the advantage of pursuing his legal studies for six or eight months in the office of the Hon. Christopher Gore, afterwards Governor of Massachusetts, a lawyer of eminence, a statesman and a civilian, a gentleman of the old school of manners, and a rare example of distinguished intellectual qualities, united with practical good sense and judgment. He had passed several years in England as a commissioner, under Jay's treaty, for liquidating the claims of citizens of the United States for seizures by British cruisers in the early wars of the French Revolution. His library, amply furnished with works of professional and general literature, his large experience of men and things at home and abroad, and his uncommon amenity of temper, combined to make the period passed by Mr. Webster in his office one of the pleasantest in his life. These advantages, it hardly need be said, were not thrown away.

Just as he was about to be admitted to practise in the Suffolk Court of Common Pleas in Massachusetts, the place of clerk in the Court of Common Pleas for the county of Hillsborough, in New Hampshire, became vacant. Of this court Mr. Webster's father had been made one of the judges, in conformity with a very common practice at that time, of placing on the side bench of the lower courts men of intelligence and respectability, though not lawyers. From regard to Judge Webster, the vacant clerkship was offered by his colleagues to his son. The fees of the office were about fifteen hun-

dred dollars *per annum,* which in those days and in that region was not so much a competence as a fortune. Mr. Webster himself was disposed to accept the office. It promised an immediate provision in lieu of a distant and doubtful prospect. It enabled him at once to bring comfort into his father's family. But the earnest dissuasions of Mr. Gore, who saw in this step the certain postponement, perhaps the final defeat, of all hopes of professional advancement, prevented his accepting the office. In the spring of the same year (1805) Mr. Webster was admitted to the practice of the law in the Court of Common Pleas for Suffolk County, Boston.

Immediately on his admission to the bar, Mr. Webster went to Amherst, in New Hampshire, where his father's court was in session; from that place he went home with his father, who was now infirm from the advance of years, and had no other son at home. Under these circumstances Mr. Webster opened an office at Boscawen, not far from his father's residence, and commenced the practice of the law in this retired spot. Judge Webster lived but a year; long enough, however, to hear his son's first argument in court, and to be gratified with the confident predictions of his future success.

In May, 1807, Mr. Webster was admitted as an attorney and counsellor of the Superior Court in New Hampshire, and in September of that year, relinquishing his office in Boscawen to his brother Ezekiel, he removed to Portsmouth, in conformity with his original intention. Here he remained in the practice of his profession for nine successive

years. They were years of assiduous labor, and of unremitted devotion to the study and practice of the law. He was associated with several persons of great eminence, citizens of New Hampshire or of Massachusetts occasionally practising at the Portsmouth bar. Among the latter were Samuel Dexter and Joseph Story; of the residents of New Hampshire, Jeremiah Mason was the most distinguished. Often opposed to each other as lawyers, a strong personal friendship grew up between them, which ended only with the death of Mr. Mason.

Although dividing with Mr. Mason the best of the business of Portsmouth, and indeed of all the eastern portion of the State, Mr. Webster's practice was mostly on the circuit. He followed the Superior Court through the principal counties of the State, and was retained in nearly every important cause. It is a somewhat singular fact in his professional life, that, with the exception of the occasions on which he has been associated with the Attorney-General of the United States for the time being, he has hardly appeared ten times as junior counsel. Within the sphere in which he was placed, he may be said to have risen at once to the head of his profession; not, however, like Erskine and some other celebrated British lawyers, by one and the same bound, at once to fame and fortune. Mr. Webster's practice in New Hampshire, though probably as good as that of any of his contemporaries, was never lucrative. Although exclusively devoted to his profession, it afforded him no more than a bare livelihood.

CHAPTER II

Public Life.—Election to Congress.—Extra Session of 1813.—Foreign Relations.—Berlin and Milan Decrees.—Naval Defence.—Reëlected to Congress in 1814.—Peace with England.—National Bank.—Battle of New Orleans.—New Questions.—The Tariff Policy.—Specie Payments.—Removal to Boston.

Mr. Webster had hitherto taken less interest in politics than has been usual with the young men of talent, at least with the young lawyers of America. In fact, at the time to which the preceding narrative refers, the politics of the country were in such a state, that there was scarce any course which could be pursued with entire satisfaction by a patriotic young man sagacious enough to penetrate behind mere party names, and to view public questions in their true light. The United States, although not actually drawn to any great depth into the vortex of the French Revolution, were powerfully affected by it. The deadly struggle of the two great European belligerents, in which the neutral rights of this country were grossly violated by both, gave a complexion to our domestic politics.

The aggressions of the belligerents on our neutral commerce continued, and, by the joint effect of the Berlin and Milan Decrees and the Orders in Council, it was all but swept from the ocean. In this state of things two courses were open to the United

States, as a growing neutral power: one, that of prompt resistance to the aggressive policy of the belligerents; the other, that which was called "the restrictive system," which consisted in an embargo on our own vessels, with a view to withdraw them from the grasp of foreign cruisers, and in laws inhibiting commercial intercourse with England and France. There was a division of opinion in the cabinet of Mr. Jefferson and in the country at large. The latter policy was finally adopted. It fell in with the general views of Mr. Jefferson against committing the country to the risks of foreign war.

Although the discipline of party was sufficiently strong to cause this system of measures to be adopted and pursued for years, it was never cordially approved by the people of the United States of any party. It continued, however, to form the basis of our party divisions till the war of 1812. In these divisions, as has been intimated, both parties were in a false position; the one supporting and forcing upon the country a system of measures not cordially approved, even by themselves; the other, a powerless minority, zealously opposing those measures, but liable for that reason to be thought backward in asserting the neutral rights of the country. A few men of well-balanced minds, true patriotism, and sound statesmanship, in all sections of the country, were able to unite fidelity to their party associations with a comprehensive view to the good of the country. Among these, mature beyond his years, was Mr. Webster. As early as 1806 he had, in a public oration, presented an impartial view of the

foreign relations of the country in reference to both belligerents, of the importance of our commercial interests and the duty of protecting them.

At length the foreign belligerents themselves perceived the folly and injustice of their measures. In the strife which should inflict the greatest injury on the other, they had paralyzed the commerce of the world and embittered the minds of all the neutral powers. The Berlin and Milan Decrees were revoked, but in a manner so unsatisfactory as in a great degree to impair the pacific tendency of the measure. The Orders in Council were also rescinded in the summer of 1812. War, however, justly provoked by each and both of the parties, had meantime been declared by Congress against England, and active hostilities had been commenced on the frontier. At the elections next ensuing, Mr. Webster was brought forward as a candidate for Congress of the Federal party of that day, and, having been chosen in the month of November, 1812, he took his seat at the first session of the Thirteenth Congress, which was an extra session called in May, 1813. Although his course of life hitherto had been in what may be called a provincial sphere, and he had never been a member even of the legislature of his native State, a presentiment of his ability seems to have gone before him to Washington. He was, in the organization of the House, placed by Mr. Clay, its Speaker, upon the Committee of Foreign Affairs, a select committee at that time, and of necessity the leading committee in a state of war.

There were many men of uncommon ability in the

Thirteenth Congress. Rarely has so much talent been found at any one time in the House of Representatives. Although among the youngest and least experienced members of the body, Mr. Webster rose, from the first, to a position of undisputed equality with the most distinguished. The times were critical. The immediate business to be attended to was the financial and military conduct of the war, a subject of difficulty and importance. The position of Mr. Webster was not such as to require or permit him to take a lead; but it was his steady aim, without the sacrifice of his principles, to pursue such a course as would tend most effectually to extricate the country from the embarrassments of her present position, and to lead to peace upon honorable terms.

Mr. Webster was not a member of Congress when war was declared, nor in any other public station. He was too deeply read in the law of nations, and regarded that august code with too much respect, not to contemplate with indignation its infraction by both the belligerents.

Early in the session, he moved a series of resolutions of inquiry, relative to the repeal of the Berlin and Milan Decrees. The object of these resolutions was to elicit a communication on this subject from the executive, which would unfold the proximate causes of the war, as far as they were to be sought in those famous Decrees, and in the Orders in Council. On the 10th of June, 1813, Mr. Webster delivered his maiden speech on these resolutions. No full report of this speech has been preserved. It is known only from extremely imperfect sketches, con-

tained in the contemporaneous newspaper accounts of the proceedings of Congress, from the recollection of those who heard it, and from the general tradition. It was marked by all the characteristics of Mr. Webster's maturest parliamentary efforts,— moderation of tone, precision of statement, force of reasoning, absence of ambitious rhetoric and high-flown language, occasional bursts of true eloquence, and, pervading the whole, a genuine and fervid patriotism. We have reason to believe that its effect upon the House is accurately described in the following extract from Mr. March's work:

"The speech took the House by surprise, not so much from its eloquence as from the vast amount of historical knowledge and illustrative ability displayed in it. How a person, untrained to forensic contests and unused to public affairs, could exhibit so much parliamentary tact, such nice appreciation of the difficulties of a difficult question, and such quiet facility in surmounting them, puzzled the mind. The age and inexperience of the speaker had prepared the House for no such display, and astonishment for a time subdued the expression of its admiration."—pp. 35, 36.

The resolutions moved by Mr. Webster prevailed by a large majority, and drew forth from Mr. Monroe, then Secretary of State, an elaborate and instructive report upon the subject to which they referred.

We have already observed, that, as early as 1806, Mr. Webster had expressed himself in favor of the protection of our commerce against the aggressions of both the belligerents. Some years later, before the war was declared, but when it was visibly

impending, he had put forth some vigorous articles to the same effect. In an oration delivered in 1812, he had said: "A navy sufficient for the defence of our coasts and harbors, for the convoy of important branches of our trade, and sufficient also to give our enemies to understand, when they injure us, that *they* too are vulnerable, and that we have the power of retaliation as well as of defence, seems to be the plain, necessary, indispensable policy of the nation. It is the dictate of nature and common sense, that means of defence shall have relation to the danger."

The principal subjects on which Mr. Webster addressed the House during the Thirteenth Congress were his own resolutions, the increase of the navy, the repeal of the embargo, and an appeal from the decision of the chair on a motion for the previous question. His speeches on those questions raised him to the front rank of debaters. He manifested upon his entrance into public life that variety of knowledge, familiarity with the history and traditions of the government, and self-possession on the floor, which in most cases are acquired by time and long experience. They gained for him the reputation indicated by the well-known remark of Mr. Lowndes, that "the North had not his equal, nor the South his superior." It was not the least conspicuous of the strongly marked qualities of his character as a public man, disclosed at this early period, and uniformly preserved throughout his career, that, at a time when party spirit went to great lengths, he never permitted himself to be infected

with its contagion. His opinions were firmly maintained and boldy expressed; but without bitterness toward those who differed from him. He cultivated friendly relations on both sides of the House, and gained the personal respect even of those with whom he most differed.

In August, 1814, Mr. Webster was reëlected to Congress. The treaty of Ghent was signed in December, 1814, and the prospect of peace, universally welcomed by the country, opened on the Thirteenth Congress toward the close of its third session. Earlier in the session a project for a Bank of the United States was introduced into the House of Representatives on the recommendation of Mr. Dallas, Secretary of the Treasury. The charter of the first incorporated bank of the United States had expired in 1811. No general complaints of mismanagement or abuse had been raised against this institution; but the opinions entertained by what has been called the "Virginia School" of politicians, against the constitutionality of a national bank, prevented the renewal of the charter. The want of such an institution was severely felt in the war of 1812, although it is probable that the amount of assistance which it could have afforded the financial operations of the government was greatly overrated. Be this as it may, both the Treasury Department and Congress were now strongly disposed to create a bank. Its capital was to consist of forty-five millions of the public stocks and five millions of specie, and it was to be under obligation to lend the government thirty millions of dollars on demand. To

enable it to exist under these conditions, it was relieved from the necessity of redeeming its notes in specie. In other words, it was an arrangement for the issue of an irredeemable paper currency. It was opposed mainly on this ground by Mr. Calhoun, Mr. Webster, Mr. Lowndes, and others of the ablest men on both sides of the House, as a project not only unsound in its principles, but sure to increase the derangement of the currency already existing. The project was supported as an administration measure, but the leading members from South Carolina and their friends united with the regular opposition against it, and it was lost by the casting vote of the Speaker, Mr. Cheves. It was revived by reconsideration, on motion of Mr. Webster, and such amendments introduced that it passed the House by a large majority. It was carried through the Senate in this amended form with difficulty, but it was negatived by Mr. Madison, being one of the two cases in which he exercised the veto power during his eight years' administration.

On the 8th of January of the year 1815, the victory at New Orleans was gained by General Jackson. No occurrence on land, in the course of the war, was of equal immediate interest, or destined to have so abiding an influence on the future. Besides averting the indescribable calamity of the sack of a populous and flourishing city, it showed the immense military power of the volunteer force of the country, when commanded with energy and skill. The praises of General Jackson were on every

tongue throughout the land, and Congress responded to the grateful feelings of the country. A vote of thanks was unanimously passed by the Senate and House of Representatives.

In the interval between the Thirteenth and Fourteenth Congresses (March-December, 1815), Mr. Webster was busily engaged at home in the practice of the law. He had begun at this time to consider the expediency of removing his residence to a wider professional field. Though receiving a full share of the best business of New Hampshire, it ceased to yield an adequate support for his increasing family, and still more failed to afford any thing like the just reward of his legal attainment and labors. The destruction of his house, furniture, library, and many important manuscript collections, in "the great fire" at Portsmouth, in December, 1813. had entailed upon him the loss of the entire fruits of his professional industry up to that time, and made it necessary for him to look around him for the means of a considerably increased income. He hesitated between Albany and Boston; and, in consequence of this indecision, the execution of his purpose was for the present postponed.

The Fourteenth Congress assembled in December, 1815. An order of things in a great degree new presented itself. After a momentary pause, the country rose with an elastic bound from the pressure of the war. Old party dissensions had lost much of their interest. The condition of Europe had undergone a great change. The power of the French emperor was annihilated; and with the return of

general peace, all occasions for belligerent encroachments on neutral rights had ceased. Two-thirds of our domestic feuds had turned on foreign questions, and there was a spontaneous feeling throughout the country in favor of healing the wounds which these feuds had inflicted upon its social and political harmony. Nor was this all. New relations and interests had arisen. The public debt had been swelled by the war expenditure to a large amount, and its interest was to be paid. Domestic manufactures had, in some of the States, grown up into importance through the operation of the restrictive system and the war, and asked for protection. The West began to fill up with unexampled rapidity, and required new facilities of communication with the Atlantic coast. The navy had fought itself into favor, and the war with Algiers, in 1816, forbade its reduction below the recent war establishment. The necessity of a system of coast defences had made itself felt. With all these loud calls for increased expenditure, the public finances were embarrassed and the currency was in extreme disorder. In a word, there were new and great wants and interests at home and abroad, throwing former topics of dissension into the shade, and calling for the highest efforts of statesmanship and a patriotism embracing the whole country.

Among those who responded with the greatest cordiality and promptness to the new demand were the distinguished statesmen of the preceding Congress, and conspicuous among them Clay, Calhoun, Webster, Lowndes, and Cheves. It will excite some

surprise at the present day, in consideration of the political history of the last thirty years, to find how little difference as to leading measures existed in 1816 between these distinguished statesmen. No line of general party difference separated the members of the first Congress after the peace. The great measures brought forward were a national bank, internal improvement, and a protective tariff. On these various subjects members divided, not in accordance with any party organization, but from individual convictions, supposed sectional interests, and general public grounds. On the two first-named subjects no systematic difference of views disclosed itself between the great Northern and Southern leaders; on the third alone there was diversity of opinion. In the Northern States considerable advances had been made in manufacturing industry, in different places, especially at Waltham (Mass.); but a great manufacturing interest had not yet grown up. The strength of this interest as yet lay mainly in Pennsylvania. Navigation and foreign trade were the leading pursuits of the North; and these interests, it was feared, would suffer from the attempt to build up manufactures by a protective tariff. It is accordingly a well-known fact, which may teach all to entertain opinions on public questions with some distrust of their own judgment, that the tariff of 1816, containing the *minimum* duty on coarse cotton fabrics, the corner-stone of the protective system, was supported by Mr. Calhoun and a few other Southern members, and carried by their influence against the opposition of the New Eng-

land members generally, including Mr. Webster. It has been stated, that, during the pendency of this law before Congress, he denied the constitutionality of the tariff for protection. This statement is inaccurate; although, had it been true, it would have placed him only in the same relation to the question with Mr. Calhoun and other Southern members, who at that time admitted the principle of protection, but lived to reject it as the grossest and most pernicious constitutional heresy. It would have shown only that, in a long political career, he had, on the first discussion of a new question, expressed an opinion which, in the lapse of time and under a change of circumstances, he had seen occasion to alter. This is no ground of just reproach. It has happened to every public man in every free country, who has been of importance enough to have his early opinions remembered.

At a later period, and after it had been confidently stated, and satisfactorily shown by Mr. Madison, that the Federal Convention that framed the Constitution intended, under the provision for regulating commerce, to clothe Congress with the power of laying duties for the protection of manufactures, and after Congress had, by repeated laws passed against the wishes of the navigating and strictly commercial interests, practically settled this constitutional question, and turned a vast amount of the capital of the country into the channel of manufactures, Mr. Webster considered a moderate degree of protection as the established policy of the United States and he accordingly supported it. It is un-

necessary to state, that this course was pursued with the approbation of his constituents, and to the manifest good of the country. No change took place in Mr. Webster's opinions on the subject of protection which was not generally shared and sanctioned by the intelligence of the manufacturing States.

Mr. Webster took an active and efficient part, at the first session of the Fourteenth Congress, in the debates on the charter of the Bank of the United States, which passed Congress in April, 1816. But the great service rendered by him to the currency of the country in the Fourteenth Congress was in procuring the adoption of the specie resolution, in virtue of which, from and after the 20th of February, 1817, all debts due to the treasury were required to be paid in the legal currency of the country (gold or silver), in treasury notes, or the notes of the Bank of the United States, or in notes of banks which are payable and paid on demand in the same legal currency. This resolution passed the two houses, and was approved by the President on the 30th of April, 1816. It completely accomplished its object; and that object was to restore to a sound basis the currency of the country, and to give the people a uniform circulating medium. Of this they were destitute at the close of the war. All the banks, except those of the New England States, had suspended specie payments; but their depreciated bills were permitted by general consent, and within certain limits, to circulate as money. They were received of each other by the different banks; they passed from hand to hand; and even the public rev-

enue was collected at par in this degraded paper. The rate of depreciation was different in different States, and with different banks in the same States, according as greater or less advantage had been taken of the suspension of the specie obligation.

What was not less harassing than this diversity was the uncertainty everywhere prevailing, how far the reputed rate of depreciation in any particular case might represent justly the real condition of a bank or set of banks. In other words, men were obliged to make and receive payments in a currency of which, at the time, the value was not certainly known to them, and which might vary as it was passing through their hands. The enormous injustice suffered by the citizens of different States, in being obliged to pay their dues at the custom-houses in as many different currencies as there were States, varying at least twenty-five per cent. between Boston and Richmond, need not be pointed out. For all these mischiefs the resolution of Mr. Webster afforded a remedy as efficient as simple; and what chiefly moves our astonishment at the present day is, that a measure of this kind, demanded by the first principles of finance, overlooked by the executive and its leading friends in Congress, should be left to be brought forward by one of its youngest members, and he not belonging to the supporters of the administration.

In all the other public measures brought forward in this Congress for meeting the new conditions of the country, Mr. Webster bore an active part, but they furnish no topic requiring illustration. At the

close of the first session, in August, 1816, he removed his domestic and professional headquarters to Boston. He had established friendly relations here at an early period of life. In no part of the Union was his national reputation more cordially recognized than in the metropolis of New England. He took at once the place in his profession which belonged to his commanding talent and legal eminence, and was welcomed into every circle of social life.

CHAPTER III

Constitutional Law.—Dartmouth College Case.—Case of Gibbons and Ogden.—The Case of Rhode Island.—Mr. Webster's Practice in the U. S. Supreme Court and the State Courts.—Criminal Cases.

With Mr. Webster's removal to Boston commenced a period of five or six years' retirement from active political life, during which time, with a single exception which will be hereafter alluded to, he filled no public office, and devoted himself exclusively to the duties of his profession. It was accordingly within this period that his reputation as a lawyer was fixed and established. The promise of his youth, and the expectations of those who had known him as a student, were more than fulfilled. He took a position as a counsellor and an advocate, above which no one has ever risen in the country. A large share of the best business of New England passed into his hands; and the veterans of the Boston bar admitted him to an entire equality of standing, repute, and influence.

Besides the reputation which he acquired in the ordinary routine of practice, Mr. Webster, shortly after his removal to Boston, took the lead in establishing what might almost be called a new school of constitutional law. It fell to his lot to perform a prominent part in unfolding a most important class of

constitutional doctrines, which, either because occasion had not drawn them forth, or the jurists of a former period had failed to deduce and apply them, had not yet grown into a system.

In the months of June and December, 1816, the legislature of New Hampshire passed acts altering the charter of Dartmouth College (of which the name was changed to Dartmouth University), enlarging the number of trustees, and generally reorganizing the corporation. These acts, although passed without the consent and against the protests of the Trustees of the College, went into operation. The newly created body took possession of the corporate property, and assumed the administration of the institution. The old board were all named as members of the new corporation, but declined acting as such, and brought an action against the treasurer of the new board for the books of record, the original charter, the common seal, and other corporate property of the College.

The action was commenced in the Court of Common Pleas for Grafton County, in February, 1817, and carried immediately to the Superior Court, in May of the same year. At the November term it was decided by the Superior Court of New Hampshire, in an opinion delivered by Chief Justice Richardson, that the acts of the New Hampshire legislature were valid and constitutional.

The case thus decided in the Superior Court of New Hampshire in favor of the validity of the State laws, was carried by writ of error to the Supreme Court of the United States, where, on the 10th of

March, 1818, it came on for argument before all the judges, Mr. Webster and Mr. (afterwards Judge) Hopkinson for the plaintiffs, and Mr. J. Holmes of Maine and the Attorney-General, Wirt, for the defendants in error.

It devolved upon Mr. Webster, as junior counsel, to open the case. The ground was broadly taken, that the acts in question were not only against common right and the constitution of New Hampshire, but also, and this was the leading principle, against the provision of the Constitution of the United States which forbids the individual States from passing laws that impair the obligation of contracts. Under the first head, the entire English law relative to educational foundations was unfolded by Mr. Webster, and it was shown that colleges, unless otherwise specifically constituted by their charters, were private eleemosynary corporations, over whose property, members, and franchises the crown has no control, except by due process of law, for acts inconsistent with their charters. The whole learning of the subject was brought to bear with overwhelming weight on this point.

The second main point required to be less elaborately argued; namely, that such a charter is a contract which it is not competent for a State to annul. The argument throughout was pursued with a closeness and vigor which have been rarely witnessed in our courts. The topics were beyond the usual range of forensic investigation in this country. The constitutional principles sought to be applied were of commanding importance. The personal connec-

tion of Mr. Webster with Dartmouth College as the place of his education gave a fervor to his manner, which added, no doubt, to the effect of the reasoning. On this point Mr. Ticknor expresses himself as follows:—

"Mr. Webster's argument is given in this volume [the first collection of his works], that is, we have there the technical outline; the dry skeleton of it. But those who heard him when it was originally delivered still wonder how such dry bones could ever have lived with the power they there witnessed and felt. He opened his cause, as he always does, with perfect simplicity in the general statement of its facts, and then went on to unfold the topics of his argument in a lucid order, which made each position sustain every other. The logic and the law were rendered irresistible. But as he advanced, his heart warmed to the subject and the occasion. Thoughts and feelings that had grown old with his best affections rose unbidden to his lips. He remembered that the institution he was defending was the one where his own youth had been nurtured; and the moral tenderness and beauty this gave to the grandeur of his thoughts, the sort of religious sensibility it imparted to his urgent appeals and demands for the stern fulfilment of what law and justice required, wrought up the whole audience to an extraordinary state of excitement. Many betrayed strong agitation, many were dissolved in tears. Prominent among them was that eminent lawyer and statesman, Robert Goodloe Harper, who came to him when he resumed his seat, evincing emotions of the highest gratification. When he ceased to speak, there was a perceptible interval before any one was willing to break the silence; and when that vast crowd separated, not one person of the whole number doubted that the man who had that day so moved, astonished, and controlled them, had vindicated for himself a place at the side of the first jurists of the country." *

The opinion of the court, unanimous, with the exception of Justice Duvall, was pronounced by Chief

* "American Review," vol. ix. p. 434.

Justice Marshall in the term for 1819, declaring the acts of the legislature of New Hampshire to be unconstitutional and invalid, and reversing the opinion of the court below. By this opinion the law of the land in reference to collegiate charters was firmly established. Henceforward our colleges and universities and their trustees, unless provision to the contrary is made in their acts of incorporation, stand upon the broad basis of common right and justice; holding in like manner as individuals their property and franchises by a firm legal tenure, and not subject to control or interference on the part of the local legislatures on the vague ground that public institutions are at the mercy of the government. That such is the recognized law of the land is owing in no small degree to the ability with which the Dartmouth College case was argued by Mr. Webster. The battle fought and the victory gained in this case were fought and gained for every college and university, for every academy and school, in the United States, endowed with property or possessed of chartered rights. It ought to be mentioned, to the credit of the State of New Hampshire, that she readily acquiesced in the decision of the Supreme Court of the United States, and made no attempt to sustain her recent legislation.

This celebrated cause, argued with such success before the highest tribunal in the country, established Mr. Webster's position in the profession. It placed him at once with Emmett and Pinkney and Wirt, in the front rank of the American bar, and, though considerably the youngest of this illustrious group,

on an equality with the most distinguished of them. He was henceforward retained in almost every considerable cause argued at Washington. No counsel in the United States has probably been engaged in a larger portion of the business brought before that tribunal. While Mr. Webster as a politician and a statesman performed an amount of intellectual labor sufficient to form the sole occupation of an active life, there is no doubt that his arguments to the court and his addresses to the jury in important suits at law would, if they had been reported like his political speeches, have filled a much greater space.

It would exceed the limits of this sketch to allude in detail to all the cases argued by Mr. Webster in the Supreme Court of the United States; still less would it be practicable to trace him through his labors in the State courts. We can barely mention a few of the more considerable causes. The case of Gibbons and Ogden, in 1824, is one of great celebrity. In this case the grant by the State of New York to the assignees of Fulton, of an exclusive right to navigate the rivers, harbors, and bays of New York by steam, was called in question, and was decided to be unconstitutional, after having been maintained by all the tribunals of that great State. The decision turned upon the principle, that the grant of such a monopoly of the right to enter a portion of the navigable waters of the Union was an encroachment, by the State, upon the power "to regulate commerce,"—a power reserved by the Constitution to Congress, and in its nature exclusive.

The decision of the court was against the monopoly. Few cases in the annals of federal jurisprudence are of equal importance; none, perhaps, was ever argued with greater ability. In the course of his discussion, Mr. Webster said, with great felicity of illustration, that, by the establishment of the Constitution, the commerce of this whole country had become a *unit,* a form of expression used with approbation by Chief Justice Marshall in delivering the opinion of the court.

A very distinguished compliment was paid to Mr. Webster's argument in this case, a quarter of a century after its delivery, by Mr. Justice Wayne of the Supreme Court of the United States, who in a public address of welcome to Savannah, Ga., said to Mr. Webster:—

"From one of your constitutional suggestions, every man in the land has been more or less benefited. We allude to it with the greater pleasure, because it was in a controversy begun by a Georgian in behalf of the constitutional rights of the citizen. When the late Mr. Thomas Gibbons determined to put to hazard a large part of his fortune in testing the constitutionality of the laws of New York limiting the navigation of the waters of that State to steamers belonging to a company, his own interest was not so much concerned as the right of every citizen to use a coasting license upon the waters of the United States, in whatever way their vessels might be propelled. It was a sound view of the law, but not broad enough for the occasion. It is not unlikely that the case would have been decided upon it, if you had not insisted that it should be put upon the broader constitutional ground of commerce and navigation. The court felt the application and force of your reasoning, and it made a decision releasing every creek, and river, lake, bay, and harbor in our country from the interference of monopolies, which had already provoked unfriendly legislation between some of the

States, and which would have been as little favorable to the interest of Fulton, as they were unworthy his genius."

The case of Ogden and Saunders, in 1827, brought in question the right of a State to pass an insolvent law. It was of course a case of high constitutional law, belonging to the same general class with those just mentioned, and relating to the limit of the powers of the several States, in reference to matters confided by the Constitution to the General Government. In his argument in this case, Mr. Webster maintained the entire unconstitutionality of State bankrupt laws. The court was divided in opinion, but a majority of the judges held, that, although it was not competent to a State to pass a law discharging a debtor from the obligation of payment, they might pass a law to discharge him from imprisonment on personal execution. The Chief Justice and Judge Story were the minority of the court, and the opinion of the Chief Justice sustained the principle of Mr. Webster's argument, which is, in fact, usually regarded as not falling below his most successful forensic efforts.

In the month of January, 1848, the great Rhode Island case was brought before the Supreme Court of the United States, and argued by Mr. Webster for the chartered government of the State, and against the insurrectionary government, to which an abortive attempt had been made to give the form of a constitution, by a pretended act of the popular will. The true principles of popular and constitutional government are explored with unsurpassed sagacity in this argument.

A large portion of the causes argued by Mr. Webster belong to the province of constitutional law, and have their origin in that partition of powers which exists between the State governments and the government of the United States, each clothed with sovereignty in its appropriate sphere, each subject to limitations resulting from its relations to the other, each possessing its legislative bodies, its judicial tribunals, its executive authorities, and consequently armed with the means of asserting its rights, and both combined into one great political system. In such a system it cannot but happen that questions of conflicting jurisdiction should arise, and no small portion of Mr. Webster's forensic life was devoted to their investigation. It is unnecessary to state that they are questions of an elevated character. They often involve the validity of the legislative acts and judicial decisions of governments substantially independent, as they may in fact the constitutionality of the acts of Congress itself. No court in England will allow any thing, not even a treaty with a foreign government, or the most undoubted principles of the law of nations, to be pleaded against an act of Parliament. The Supreme Court of the United States entertains the question not only of the constitutionality of the acts of the legislatures of States possessing most of the attributes of sovereignty, but also of the constitutionality of the acts of the national legislature, which possesses those attributes of sovereignty which are denied to the States. These circumstances give great dignity to its deliberations, and tend materially to

elevate the character of a constitutional lawyer in the United States. Professional training in England has not been deemed the best school of statesmanship; but it will be readily perceived, that in this country a great class of questions, and those of the highest importance, belong alike to the senate and the court. Every one must feel that, in the case of Mr. Webster, the lawyer and the statesman have contributed materially to form each other.

Before quite quitting this subject, it may be proper to allude to Mr. Webster's professional labors of another class, in the ordinary State tribunals. Employed as counsel in all the most important cases during a long professional life, it is hardly necessary to say, that his investigations extended to every department of the law, and that his speeches to the jury and arguments to the court evinced a mastery of the learning and a control of the logic belonging to it, which are in most cases to be attained only by the exclusive study and practice of a life. The jurist and the advocate were so mingled in Mr. Webster's professional character that it is not easy to say which predominated. His fervid spirit and glowing imagination placed at his control all the resource of an overwhelming rhetoric, and made him all-powerful with a jury; while the ablest court was guided by his severe logic, and instructed by the choice which he laid before them of the most appropriate learning of the cases which he argued. It happens, unfortunately, that forensic efforts of this kind are rarely reported at length. A brief sketch of an important law argument finds a place in the history of the case,

but distinguished counsel rarely have time or bestow the labor required to reproduce in writing an elaborate address either to court or jury. There is probably no species of intellectual labor of the highest order which perishes for want of a contemporary record to the same extent as that which is daily exerted in the courts of law.

Two speeches addressed to the jury by Mr. Webster in criminal trials have remained famous. One was delivered in the case of Goodridge, and in defence of the persons whom he accused of having robbed him on the highway. This cause was tried in 1817, shortly after the establishment of Mr. Webster at Boston. Rarely has a case, in itself of no greater importance, produced a stronger impression of the ability of the counsel. The cross-examination of Goodridge, who pretended to have been robbed, and who had previously been considered a person of some degree of respectability, is still remembered at the bar of Massachusetts as terrific beyond example, and the speech to the jury in which his artfully contrived tale was stripped of its disguises may be studied as a model of this species of exposition.

Mr. Webster's speech to the jury in the memorable murder case of John F. Knapp is of a higher interest. The great importance of this case, as well on account of the legal principles involved, as of the depth of the tragedy in real life with which it was connected, gave it a painful celebrity. The record of the *causes célèbres* of no country or age will furnish either a more thrilling narrative, or a forensic effort

of greater ability. A passage on the power of conscience will arrest the attention of the reader. There is nothing in our language superior to it. It was unquestionably owing to the legal skill and moral courage with which the case was conducted by Mr. Webster, that one of the foulest crimes ever committed was brought to condign punishment; and the nicest refinements of the law of evidence were made the means of working out the most important practical results. But it is time to return to the chronological series of events.

CHAPTER IV

The Convention to revise the Constitution of Massachusetts.—Centennial Anniversary at Plymouth, December 22d, 1820.—Bunker Hill Monument.—Addresses.—Simultaneous Decease of Adams and Jefferson.—Eulogy by Mr. Webster.—Laying of the Corner-Stone of the New Wing of the Capitol.—Remarks on the Patriotic Discourses of Mr. Webster.

In 1820, on the separation of Maine from Massachusetts, a convention became necessary in the latter State to readjust the Senate; and the occasion was deemed a favorable one for a general revision of the Constitution. The various towns in the Commonwealth were authorized by law to choose as many delegates as they were entitled to elect members to the House of Representatives; and a body was constituted containing much of the talent, political experience, and weight of character of the State. Mr. Webster was chosen one of the delegates from Boston; and, with the exception of a few days' service, two or three years afterward, in the Massachusetts House of Representatives,* this is the only oc-

* Mr. Webster makes the following playful allusion to this circumstance in a speech at a public dinner in Syracuse (New York):

"It has so happened that all the public services which I have rendered in the world, in my day and generation, have been connected with the General Government. I think I ought to make an exception. I was ten days a member of the Massachusetts legislature, and I turned my thoughts to the search for some

casion on which he ever filled any political office under the State government either of Massachusetts or New Hampshire.

The convention of 1820 was no doubt as respectable a political body as ever assembled in Massachusetts; and it is no more than justice to Mr. Webster to say, that although he had been but a few years a citizen of the Commonwealth, and was personally a stranger to most of his associates, he was among the most efficient members of the body. He was named chairman of the committee to whom the important subject of oaths and qualifications for office was referred, and of the special committee on that chapter of the constitution which relates to the "University of Cambridge." Besides taking a leading part in the discussion of most of the important subjects which were agitated in the convention, he was the authority most deferred to on questions of order, and in that way exercised a steady and powerful influence over the general course of its proceedings.

In the speech on the basis of the Senate, Mr. Webster defended the principle, which was incorporated into the original constitution, and is recognized by the liberal writers of greatest authority on government, that due regard should be had to property in establishing a basis of representation. He showed

good object in which I could be useful in that position; and, after much reflection, I introduced a bill which, with the general consent of both houses of the Massachusetts legislature, passed into a law, and is now a law of the State, which enacts that no man in the State shall catch trout in any other manner than in the old way, with an ordinary hook and line."

the connection between the security of republican liberty and this principle. He first called attention in this country to the fact, that this important principle was originally developed in Harrington's "Oceana," a work much studied by our Revolutionary fathers. The practical consequence which Mr. Webster deduced from the principle was, that constitutional and legal provision ought to be made to produce the utmost possible diffusion and equality of property.

While the Massachusetts convention was in session, Mr. Webster appeared before the public in another department of intellectual effort, and with the most distinguished success. In 1820, Mr. Webster was invited by the Pilgrim Society at Plymouth to deliver a discourse on the great anniversary of New England, the ever memorable 22d of December. Several circumstances contributed on this occasion to the interest of the day. The peaceful surrender by Massachusetts of a portion of her territory, greatly exceeding in magnitude that which she retained, in order to form the new State of Maine, was a pleasing exemplification of that prosperous multiplication of independent commonwealths within the limits of the Union, which forms one of the most distinctive features in our history. It was as much an alienation of territory from the local jurisdiction of Massachusetts, as if it had been ceded to Great Britain, and yet the alienation was cordially made. At this very time a controversy existed between the United States and England, relative to the conflicting title of the two govern-

ments to a very small portion, and that the least valuable part, of the same territory, which, after the aggravations and irritations of forty years of controversy, was in 1842 adjusted by Mr. Webster and Lord Ashburton, at a moment when war seemed all but inevitable. In any other country or age of the world, Maine could have been severed from Massachusetts only by a bloody revolution. Their amicable separation by mutual consent, although neither the first nor the second similar event in the United States, was still an occurrence which carried back the reflections of thoughtful men to the cradle of New England.

These reflections gathered interest from the convention then in session. Several of the topics which presented themselves to Mr. Webster's mind, and were discussed by him at Plymouth, had entered into the debates of the convention a few days before. Still more, the close of the second century from the landing of the Fathers, with all its mighty series of events in the social, political, and moral world, gave the highest interest to the occasion. Six New England generations were to pass in review. It was an anniversary which could be celebrated nowhere else as it could be at Plymouth. It was such an anniversary, with its store of traditions, comparisons, and anticipations, as none then living could witness again.

The discourse delivered by him in pursuance of their invitation was in some respects the most remarkable of his performances. The felicity and spirit with which its descriptive portions are exe-

cuted; the affecting tribute which it pays to the memory of the Pilgrims; the moving picture of their sufferings on both sides of the water; the masterly exposition and analysis of those institutions to which the prosperity of New England under Providence is owing; the eloquent inculcation of those great principles of republicanism on which our American commonwealths are founded; the instructive survey of the past, the sublime anticipations of the future of America,—have long since given this discourse a classical celebrity. Several of its soul-stirring passages have become as household words throughout the country. They are among the most favorite of the extracts contained in the school-books. An entire generation of young men have derived from this noble performance some of their first lessons in the true principles of American republicanism.

In the course of a few years, when the corner-stone of the Bunker Hill Monument was to be laid, on the fiftieth anniversary of the battle, the general expectation again pointed to Mr. Webster as the orator of the day. This, too, was a great national and patriotic anniversary. For the first time, and after the lapse of a half-century, the commencement of the war of the American Revolution was to be publicly celebrated under novel, significant, and highly affecting circumstances. Fifty years had extinguished all the unkindly associations of the day, and raised it from the narrow sphere of local history to a high place in the annals of the world. A great confederacy had sprung from the blood of Bunker Hill. This was too important an event in the history

of the world to be surrendered to hostile and party feeling. No friend of representative government in England had reason to deplore the foundation of the American republics. No one can doubt that the development of the representative principle in this country has contributed greatly to promote the cause of Parliamentary reform in Great Britain. Other considerations gave great interest to the festival of the 17th of June, 1825. Fifty years of national life, fortune, and experience, not exhibiting in their detail an unvarying series of prosperity (for it was fifty years in the history, not of angels, but of men), but assuredly not surpassed in the grand aggregate by any half-century in the annals of the world, were now brought to a close. Vast as the contrast was in the condition of the country at the beginning and close of the period, there were still living venerable men who had acted prominent and efficient parts in the opening scenes of the drama. Men who had shared the perils of 1775 shared the triumph of the jubilee. More than a hundred of the heroes of the battle were among the joyous participators in this great festival. Not the least affecting incident of the celebration was the presence of Lafayette, who had hastened from his more than royal progress through the Union to take a part in the ceremonial.

It is unnecessary to say, that on such an occasion, with all these circumstances addressed to the imaginations and the thoughts of men, in the presence of a vast multitude of the intelligent population of Massachusetts and the other New England States, with no inconsiderable attendance of kindred and

descendants from every part of the Union, an address from such an orator as Mr. Webster, on such a platform, on such a theme, in the flower of his age and the maturity of his faculties, discoursing upon an occasion of transcendent interest, and kindling with the enthusiasm of the day and the spot, may well be regarded as an intellectual treat of the highest order.

Scarcely inferior in interest was the anniversary celebration, when the Bunker Hill Monument was finally completed, in 1843, and Mr. Webster again censented to address the immense multitude which the ceremonial could not fail to bring together. The great work was now finished; and the most important event in the history of New England was henceforward commemorated by a monument destined, in all human probability, to last as long as any work erected by the hands of man. The thrill of admiration which ran through the assembled thousands, when, at the commencement of his discourse on that occasion, Mr. Webster apostrophized the monument itself as the mute orator of the day, has been spoken of by those who had the good fortune to be present as an emotion beyond the power of language to describe. The gesture, the look, the tone of the speaker, as he turned to the majestic shaft, seemed to invest it with a mysterious life; and men held their breath as if a solemn voice was about to come down from its towering summit.

On the 4th of July, 1826, occurred the extraordinary coincidence of the deaths of Adams and Jefferson, within a few hours of each other, on the

fiftieth anniversary of the Declaration of Independence; an event with which they were both so closely connected, as members of the committee by which the ever-memorable state paper was prepared and brought into the Continental Congress. The public mind was already predisposed for patriotic emotions and sentiments of every kind by many conspiring causes. The recency of the Revolutionary contest, sufficiently illustrated by the fact that many of those engaged in it were still alive and had been the subjects of liberal provision by Congress; the complete, though temporary, fusion of parties, producing for a few years a political lull, never witnessed to the same extent before or since; the close of the half-century from the commencement of the Revolutionary War, and the commemoration of its early conflicts on many of the spots where they occurred; the foundation of the Bunker Hill Monument, and of a similar work on a smaller scale at Concord; the visit of Lafayette; abroad, the varying scenes of the Greek revolution and the popular movement in many other parts of Europe,—united in exciting the public mind in this country. They kindled to new fervor the susceptible and impulsive American temperament. The simultaneous decease of the illustrious patriarchs of the Revolution, under these circumstances of coincidence, fell upon a community already prepared to be deeply affected. It touched a tender chord, which vibrated from one end of the Union to the other.

It has, perhaps, never been the fortune of an orator to treat a subject in all respects so extraordi-

nary as that which called forth the eulogy on Adams and Jefferson; a subject which the characters commemorated, the field of action, the magnitude of the events, and the peculiar personal relations, were so important and unusual. Certainly it is not extravagant to add, that no similar effort of oratory was ever more completely successful than Mr. Webster's address at the funeral services in Faneuil Hall. The speech ascribed to John Adams in the Continental Congress, on the subject of declaring the independence of the Colonies,—a speech of which the topics of course present themselves on the most superficial consideration what was actually said are supplied by the letters and diaries of Mr. Adams,—is not excelled by any thing of the kind in our language. Few things have taken so strong a hold of the public mind. It thrills and delights alike the student of history, who recognizes it at once as the creation of the orator, and the common reader, who takes it to be the composition, not of Mr. Webster, but of Mr. Adams. From the time the eulogy was delivered, the inquiry was often made and repeated, sometimes even in letters addressed to Mr. Webster himself, whether this exquisite appeal was his or Mr. Adams's.

These discourses, with the exception of the second Bunker Hill Address, were delivered within about five years of each other; the first on the 22d of December, 1820, the last on the 2d of August, 1826. In later years he again addressed his fellow-citizens on several occasions not immediately connected with senatorial or professional duty, and with the power

and felicity which mark his earlier efforts. The most remarkable of these recent addresses is his speech delivered at Washington on the 4th of July, 1851, at the ceremonial of the laying of the corner-stone of the addition to the Capitol. This ceremonial, itself of no ordinary interest, and the aspect of public affairs under which it was performed, gave a peculiar fervor and solemnity to Mr. Webster's treatment of the subject.

This great oration, perhaps not premeditated so carefully, as far as the mere language is concerned, as those of an earlier date with which we have classed it, is not inferior to either of them in the essentials of patriotic eloquence. It belongs, in common with them, to a species of oratory neither forensic nor parliamentary nor academical; and which might perhaps conveniently enough be described by the epithet which we have just applied to it,—the patriotic. These addresses are strongly discriminated from the forensic and the parliamentary class of speeches, in being from the nature of the case more elaborately prepared. The public taste in a highly cultivated community would not admit, in a performance of this kind, those marks of extemporaneous execution, which it not only tolerates, but admires, in the unpremeditated efforts of the senate and the bar. The latter shines to greatest advantage in happy impromptu strokes, whether of illustration or argument; the former admits, and therefore demands, the graceful finish of a mature preparation.

It is not, indeed, to be supposed, that an orator

like Mr. Webster is slavishly tied down, on any occasion, to his manuscript notes, or to a *memoriter* repetition of their contents. It may be presumed that in many cases the noblest and the boldest flights, the last and warmest tints thrown upon the canvas, in discourses of this kind, were the unpremeditated inspiration of the moment of delivery. The opposite view would be absurd, because it would imply that the mind, under the high excitement of delivery, was less fertile and creative than in the repose of the closet. A speaker could not, if he attempted it, anticipate in his study the earnestness and fervor of spirit induced by actual contact with the audience; he could not by any possibility forestall the sympathetic influence upon his imagination and intellect of the listening and applauding throng. However severe the method required by the nature of the occasion, or dictated by his own taste, a speaker like Mr. Webster will not often confine himself "to pouring out fervors a week old."

The orator who would do justice to a great theme or a great occasion must thoroughly study and understand the subject; he must accurately, and if possible minutely, digest in writing beforehand the substance, and even the form, of his address; otherwise, though he may speak ably, he will be apt not to make in all respects an able speech. He must entirely possess himself beforehand of the main things which he wishes to say, and then throw himself upon the excitement of the moment and the sympathy of the audience. In those portions of his discourse which are didactic or narrative, he will not be likely

to wander, in any direction, far from his notes; although even in those portions new facts, illustrations, and suggestions will be apt to spring up before him as he proceeds. But when the topic rises, when the mind kindles from within, and the strain becomes loftier, or bolder, or more pathetic, when the sacred fountain of tears is ready to overflow, and audience and speaker are moved by one kindred sympathetic passion, then the thick-coming fancies cannot be kept down, the storehouse of the memory is unlocked, images start up from the slumber of years, and all that the orator has seen, read, heard, or felt returns in distinct shape and vivid colors. The cold and premeditated text will no longer suffice for the glowing thought. The stately, balanced phrase gives place to some abrupt, graphic expression, that rushes unbidden to his lips. The unforeseen incident or locality furnishes an apt and speaking image; and the discourse instinctively transposes itself into a higher key.

Many illustrations of these remarks may be found in Mr. Webster's speeches. We may refer particularly to the address to the survivors of the Revolution and the apostrophe to Warren in the first discourse on Bunker Hill. These were topics too obvious and essential, in an address on laying the corner-stone of the monument, to have been omitted in the orator's notes prepared beforehand. But no one will think that the entire apostrophe to Warren, as it stands in the reported speech, was elaborated in the closet and committed to memory. After speaking *of* the hero he breaks into an impassioned address *to*

him, and passing, after a few intervening clauses, from the third person to the second, he exclaims, "How shall I struggle with the emotions that stifle the utterance of *thy* name! Our poor work may perish, but thine shall endure! This monument may moulder away; the solid ground it rests upon may sink down to a level with the sea; but thy memory shall not fail!"

CHAPTER V

Election to Congress from Boston.—The Eighteenth Congress.—Resolution and Speech in favor of the Greeks.—The Tariff Law of 1824.—Law for the Punishment of Crimes against the United States.—The Election of Mr. Adams as President.—Meeting of the Nineteenth Congress.—Congress of Panama.—Election as U. S. Senator.—Revision of the Tariff Law.

In the autumn of 1822, Mr. Webster consented to be a candidate for Congress for the city (then town) of Boston, and was chosen by a very large majority over his opponent, Mr. Jesse Putnam. The former party distinctions, as has been already observed, had nearly lost their significance in Massachusetts, as in some other parts of the country. As a necessary, or at least a natural consequence of this state of things, four candidates had already been brought forward for the Presidential election of November, 1824; namely, Mr. John Quincy Adams of Massachusetts, Mr. Clay of Kentucky, General Jackson of Tennessee, and Mr. Crawford of Georgia. Mr. Calhoun of South Carolina and Mr. Lowndes of the same State had also both been nominated by their friends at an early period of the canvass, but the latter was soon removed by death, and Mr. Calhoun withdrew his pretensions in favor of General Jackson. All the candidates named had either originally belonged to the old Democratic

party (or Republican party as it was then more usually called), or had for many years attached themselves to it; but no one of them was supported on that ground.

The Congressional elections in Massachusetts are held a year in advance. It was not till December, 1823, that Mr. Webster took his seat as a member of the Eighteenth Congress. It has rarely happened to an individual, by engaging in public life, to make an equal sacrifice of personal interest. Born to an inheritance of poverty, struggling through youth and early manhood against all the difficulties of straitened means and a narrow sphere, he had risen above them all, and was now in an advantageous position, at the height of his reputation, receiving as great a professional income as any lawyer in the United States, and rapidly laying the foundation of an ample independence. All this was to be put at risk for the hazardous uncertainty, and the scarcely less hazardous certainties, of public life. It was not till after repeated refusals of a nomination to both houses of Congress, that Mr. Webster was at last called upon, in a manner which seemed to him imperative, to make the great sacrifice. In fact, it may truly be said, that, to an individual of his commanding talent and familiarity with political affairs, and consequent ability to take a lead in the public business, the question whether he shall do so is hardly submitted to his option. It is one of the great privileges of second-rate men, that they are permitted in some degree to follow the bent of their inclinations. It was the main inducement of Mr.

Webster in returning to political life, that the cessation of the coarse conflicts of party warfare seemed to hold out some hope that statesmanship of a higher order, an impartial study of the great interests of the country, and a policy aiming to promote the development of its vast natural resources, might be called into action.

Although the domestic politics of the United States were in a condition of repose, the politics of Europe at this time were disturbed and anxious. Revolutions had within a few years broken out in Naples, Piedmont, and Spain; while in Greece a highly interesting struggle was in progress, between the Christian population of that country and the government of their Ottoman oppressors. At an early period of this contest, it had attracted much notice in the United States. President Monroe, both in his annual message of December, 1822, and in that of 1823, had expressed respect and sympathy for their cause. The attention of Congress being thus called to the subject, Mr. Webster thought it a favorable opportunity to speak an emphatic word, from a quarter whence it would be respected, in favor of those principles of rational liberty and enlightened progress which were seeking to extend themselves in Europe. As the great strength of the Grecian patriots was to be derived, not from the aid of the governments of Christendom, but from the public opinion and the sympathy of the civilized world, he felt that they had a peculiar right to expect some demonstration of friendly feeling from the only powerful republican state. He was also evi-

dently willing to embrace the opportunity of entering an American protest against the doctrines which had been promulgated in the manifestoes of the recent congresses of the European sovereigns.

Till the administration of Mr. Jefferson, it had been the custom of the two houses to return answers to the annual messages of the President. These answers furnished Congress with the means of responding to the executive suggestions. As much time was often consumed in debating these answers (a consumption of time not directly leading to any legislative result), and as differences in opinion between Congress and the Executive, if they existed, were thus prematurely developed, it was thought a matter of convenience, when Mr. Jefferson came into power, to depart from the usage. But though attended with evils, it had its advantages. The opportunity of general political debate, under a government like ours, if not furnished, will be taken. The constituencies look to their representatives to discuss public questions. It will perhaps be found, on comparing the proceedings of Congress at the present day with what they were fifty years ago, that, although the general debate on the answer to the President's message has been retrenched, there is in the course of the session quite as much discussion of topics incidentally brought in, and often to the serious obstruction of the public business, at the advanced stages of the session.

Whatever may be thought of this as a general principle, President Monroe, as we have seen, having in two successive annual messages called the

attention of Congress to this subject, Mr. Webster, by way of response to these allusions, at an early period of the session offered the following resolution in the House of Representatives:—

"*Resolved*, That provision ought to be made by law for defraying the expense incident to the appointment of an agent or commissioner to Greece, whenever the President shall deem it expedient to make such appointment."

His speech in support of this resolution was delivered on the 19th of January, 1824, in the presence of an immense audience. To a subject on which it was almost impossible to avoid a certain strain of classical sentiment, Mr. Webster brought a chastened taste and a severe logic. He indulged in no *ad captandum* reference to the topics which lay most obviously in his way. A single allusion to Greece, as the mistress of the world in letters and arts, found an appropriate place in the exordium. But he neither rhapsodized about the ancients, nor denounced the Turks, nor overflowed with Americanism. He treated, in a statesmanlike manner, what he justly called "the great political question of the age," the question "between absolute and regulated governments," and the duty of the United States on fitting occasions to let their voice be heard on this question. He concisely reviewed the doctrines of the Continental sovereigns, as set forth in what has been called "the Holy Alliance," and in the manifestoes of several successive congresses. He pointed out the inconsistency of these principles with those of self-government and national independence, and

the duty of the United States to declare their sentiments in support of the latter. He showed that such a declaration was inconsistent with no principle of public law, and forbidden by no prudential consideration. He briefly sketched the history of the Greek revolution; and having shown that his proposal was a pacific measure, both as regards the Turkish government and the European allies, he took leave of the subject with a few manly words of sympathy for the Greeks.

He was supported by several leading members of the House,—by Mr. Clay, Mr. Stevenson of Virginia, afterward Speaker of the House and Minister of England, and by General Houston of Tennessee; but the subject lay too far beyond the ordinary range of legislation; it gained no strength from the calculations of any of the Presidential candidates; it enlisted none of the great local interests of the country; and it was not of a nature to be pushed against opposition or indifference. It was probably with little or no expectation of carrying it, that the resolution was moved by Mr. Webster. His object was gained in the opportunity of expressing himself upon the great political question of the day. His words of encouragement were soon read in every capital and at every court of Europe, and in every Continental language; they were received with grateful emotion in Greece.

It was during this session that Mr. Webster made his great argument in the Supreme Court of the United States in the case of Gibbons and Ogden, to which we have already alluded. It must increase

the admiration with which this great constitutional effort is read, to know that the case came on in court a week or ten days earlier than Mr. Webster expected, and that it was late in the afternoon, after a severe debate in the House of Representatives on some of the details of the tariff bill, that he received the intimation that he must be ready to go into court and argue the cause the next morning. At this time his brief was not drawn out; and the statement of the argument, the selecting of the authorities, and the final digest of his materials, whether of reasoning or fact, were to be the work of the few intervening hours. It is superfluous to say that there was no long space for rest or sleep; though it seems hardly credible that the only specific premeditation of such an argument before such a tribunal should have been in the stolen watches of one night.

In the course of this session Mr. Webster, besides taking a leading part in the discussion of the details of the tariff law of 1824, made a carefully prepared speech, in reply to Mr. Clay, on some of the principles upon which he had supported it. Mr. Webster did not contest the constitutional right of Congress to lay duties for the protection of manufactures. He opposed the bill on grounds of expediency, drawn from the condition of the country at the time, and from the unfriendly bearing of some of its provisions on the navigating interests.

No subject of great popular interest came up for debate in the second session of the Eighteenth Congress, but the attention of Mr. Webster, as chairman of the Judiciary Committee, was assiduously devoted

to a subject of great practical importance; brought forward entirely without ostentation or display, but inferior in interest to scarce any act of legislation since the first organization of government. We refer to the act of the 3d of March, 1825, "more effectually to provide for the punishment of certain crimes against the United States, and for other purposes." There was a class of cases, arising out of the complex nature of our system, and the two-fold jurisdiction existing in the United States, which, being entirely novel in the history of other governments, was scarcely to be provided for in advance. The analysis of the English constitution here failed the able men upon whom it devolved to put the new system of government in operation. It is to be wondered at, not that some things were overlooked, but that so many were provided for.

Of the cases left thus unprovided for, more perhaps were to be found in the judiciary department than in any other. Many crimes committed on shipboard, beyond the jurisdiction of any State, or in places within the Union excepted from State jurisdiction, were unprovided for. Mr. Webster accordingly drew up what finally passed the two houses, as the sixty-fifth chapter of the laws of the second session of the Eighteenth Congress, and procured the assent of the Committee on the Judiciary to report it to the House. Some amendments of no great moment were made to it on its passage, partly on the motion of Mr. Webster himself, and partly on the suggestion of other members of the House. As it finally passed, in twenty-six sections, it covered all

the cases which had occurred in the thirty-five years which had elapsed since the law of 1790 was enacted; and it amounted to a brief, but comprehensive, code of the criminal jurisprudence of the United States, as distinct from that of the separate States.

At this session of Congress the election of a President of the United States devolved upon the House of Representatives, in default of a popular choice. The votes of the electoral colleges were ninety-nine for General Jackson, eighty-four for Mr. Adams, forty-one for Mr. Crawford, and thirty-seven for Mr. Clay. This was the second time since the adoption of the Constitution, in 1789, and such an event had occurred. The other case was in 1801, and under the Constitution in its original form, which required the electoral colleges to vote for two persons, without designating which of the two was to be President, and which Vice-President, the choice between the two to be decided by plurality. The Republican candidates, Thomas Jefferson and Aaron Burr, having received each an equal number of votes, it devolved upon the House of Representatives to designate one of them as President. The Constitution was immediately amended so as to require the candidates for the two offices to be designated as such in the electoral colleges; so that precisely such a case as that of 1801 can never recur. In 1824, however, no person having received a majority of all the votes, it became necessary for the House to choose a President from among the three candidates having the highest number. On these occasions the House votes, not *per capita*, but by States. The re-

sult was declared to be, for Mr. Adams thirteen votes, for General Jackson seven, and for Mr. Crawford four.

Mr. Webster had been elected to the Nineteenth Congress in the autumn of 1824, by a vote of four thousand nine hundred and ninety out of five thousand votes cast, the nearest approach to unanimity in a Congressional election, perhaps, that ever took place. The session which began in December, 1825, was of course the first session under Mr. Adams's administration. The brief armistice in party warfare which existed under Mr. Monroe was over. The friends of General Jackson *en masse,* most of the friends of Mr. Crawford, and a portion of those of Mr. Clay, joined in a violent opposition to the new administration. It would be impossible in this place to unfold the griefs, the interests, the projects, the jealousies, and the mutual struggles, of the leaders and the factions, who, with no community of political principle, entered into this warfare. The absence of any well-defined division of parties, like that which had formerly existed, gave wide scope to personal intrigue and sectional preference. Although, estimated in reference to individual suffrages, Mr. Adams had received a popular majority; and although he was selected from the three highest candidates by an absolute majority of the States voting in the House of Representatives, and by a very large plurality over each of his competitors, yet, as General Jackson had received a small plurality of votes in the electoral colleges (but a little more, however, than a third part of the entire electoral vote),

he stood before the masses as a candidate wrongfully deprived of the place to which he was designated by the popular choice. Great sensibility was evinced at this defeat of the "Will of the People;" and none seemed to feel the wrong more than a portion of the friends of that one of the three candidates who had received the smallest vote, but whom there had been, nevertheless, a confident hope of electing in the House. The prejudice against Mr. Adams arising from this source derived strength from the widely circulated calumny of a corrupt understanding between him and Mr. Clay. The bare suspicion of an arrangement between party leeaders to help each other into office, however groundless in point of fact, and however disproved by all the testimony which could be brought to bear on a negative proposition, was sufficient seriously to affect the popularity of both parties.

Mr. Adams's administration was conducted with the highest ability; it was incorruptible; it was frugal; it was tolerant of opponents to its own injury. With the exception of half a dozen editors of newspapers warmly opposed to the administration, from whom the trifling privilege of printing the laws was withdrawn, no one was removed from office for political opinion. But the administration was unpopular, and was doomed from its formation. It was supported by very able men in both houses of Congress, and of these Mr. Webster was by all acknowledgment the chief. But it failed to command the confidence of a numerical majority of the people.

The leading measure of the first session of the

Nineteenth Congress was the Congress of Panama. Mr. Adams had announced in his message at the commencement of the session, that an invitation to the congress had been accepted, and that "ministers on the part of the United States would be commissioned to attend its deliberations." The confirmation of the ministers was vigorously resisted in the Senate, and the resolution declaring the expediency of making the requisite appropriation as strenuously opposed in the House.

The subject was discussed with great ability in both houses. The greater portion of the senatorial debate was with closed doors. Mr. Webster's speech in the House is far the ablest of those published. It raised the question from the wretched level of party politics to the elevation of real statesmanship. It discussed the constitutional question with a clearness and power which make us wonder that it was ever raised; and it unfolded the true nature of the proposed congress, as viewed in the light of the public law. A very important topic of the speech was an explanation of the declaration of President Monroe, in his annual message of 1823, against the interposition of the governments of Europe for the purpose of enabling Spain to resubjugate her former colonial possessions on this continent. Mr. Webster pointed out the circumstances which warranted at the time the opinion that such interposition might be attempted; and he stated the important fact, not before known, that the purpose on the part of the United States to resist it was deliberately and unanimously formed by Mr. Monroe's cabinet, consisting

at that time of Messrs. Adams, Crawford, Calhoun, Southard, and Wirt.

The speech on the Panama question was the most considerable effort made by Mr. Webster in the Nineteenth Congress. In the interval of the two sessions, in November, 1826, he was reëlected with but a show of opposition. The eulogy upon Adams and Jefferson, of which we have already spoken, was delivered in the month of August of this year. In the month of June, 1827, Mr. Webster was elected to the Senate of the United States by a large majority of the votes of the two houses of the legislature of Massachusetts.

The principal measure which occupied the attention of the two houses during the first session of the Twentieth Congress was the revision of the tariff. This measure had its origin in the distressed condition of the woollen interests, which found itself deprived (partly by the effect of the repeal of the duty on wool imported into Great Britain) of that measure of protection which the tariff law of 1824 was designed to afford. An unsuccessful attempt had been made at the last session of Congress, to pass a law exclusively for the relief of the woollen manufacturers; but no law having in view the protection of any one great interest is likely to be enacted by Congress, however called for by the particular circumstances of the case. At the present session an entire revision of the tariff was attempted. A majority of the two houses was in favor of protection; but there were different views among the friends of the policy as to the articles to be protected and the

amount of protection. This diversity of opinions and supposed diversity of interests enabled those wholly opposed to the principle and policy of protection, by uniting their votes on questions of detail with members who represented local interests, to render the bill objectionable in many parts to several of its friends, and to reduce them to the alternative of either voting against it, or tolerating more or less which they deemed inexpedient, and even highly injurious. Hence it received the name of the "Bill of Abominations."

Mr. Webster addressed the Senate, while the bill was before that body, exposing the objectionable features to which we have alluded. Believing, however, that the great article of woollens required the protection given it by the bill, and regarding the general system of protection as the established policy of the country and of the government, and feeling that the capital which had been invited into manufactures by former acts of legislation was now entitled to be sustained against the glut of foreign markets, fraudulent invoices, and the competition of foreign labor working at starvation wages, he gave his vote for the bill, and ever afterward supported the policy of moderate protection. He has been accused of inconsistency in this respect; and by none more earnestly than by the friends of Mr. Calhoun, who was one of those influential statesmen of the South by whom, in the Fourteenth Congress, the foundation of a protective tariff was laid on the corner-stone of the square-yard duty on domestic cotton fabrics. But he was sustained by the great

majority of his constituents and of the people of the Northern, Middle, and Northwestern States; and should the prospects of success be fulfilled with which manufactures have been attempted at the South, there is little doubt that she will at length perceive that her own interest would be promoted by upholding the same policy.

When the speech of Mr. Webster of 1824, in which he assigned his reasons for voting against the tariff law of that year, is carefully compared with his speech of 1828, just referred to, it will be found that there is no other diversity than that which was induced by the change in the state of the country itself in reference to its manufacturing interests, and by the course pursued in reference to the details of the bill by those opposed to protection *in toto*.

CHAPTER VI

Election of General Jackson.—Debate on Foot's Resolution.—Mr. Hayne's First Speech.—Mr. Webster's First Speech.—Reply of Mr. Hayne.—Mr. Webster's Great Speech.—Description from March's "Reminiscences of Congress."—Reception throughout the Country.

In the interval between the two sessions of the Twentieth Congress, the Presidential election was decided. Mr. Adams and General Jackson were the opposing candidates; and the latter was chosen by a large popular majority; but that there was no cordiality among the component elements of the party by which General Jackson was elevated to the chair was soon quite apparaent.

The first session of the Twenty-first Congress, that of 1829-30, is rendered memorable in the history of Mr. Webster, as well as in the parliamentary history of the country, by what has been called the debate on Foot's resolution, in which Mr. Webster delivered the speech which is usually regarded as his ablest, and which may probably with truth be pronounced the most celebrated speech ever delivered in Congress. The great importance of this effort will no doubt be considered as a sufficient reason for relating somewhat in detail the circumstances under which it was made.

The debate arose in the following manner.

On the 29th of December, 1829, Mr. Foot, one of the Senators from Connecticut, moved the following resolution:—

"*Resolved,* That the Committee on Public Lands be instructed to inquire and report the quantity of public lands remaining unsold within each State and Territory, and whether it be expedient to limit for a certain period the sales of the public lands to such lands only as have heretofore been offered for sale, and are now subject to entry at the *minimum* price. And, also, whether the office of Surveyor-General, and some of the land offices, may not be abolished without detriment to the public interest."

There is no reason to believe that, in bringing forward this resolution, Mr. Foot acted in concert with any other member of the Senate. When it came up for consideration the next day, the mover stated that he had been induced to offer the resolution from having at the last session examined the report of the Commissioner of the Land Office, from which it appeared that the quantity of land remaining unsold at the *minimum* price of one dollar and twenty-five cents per acre exceeded seventy-two millions of acres; while it appeared from the commissioner's report at this session, that the annual demand was not likely to exceed a million of acres at present, although of course it might be expected somewhat to increase with the growth of the population.

This resolution, though one of inquiry only, was resisted. It was represented by Mr. Benton of Missouri as a resolution to inquire into the expediency of committing a great injury upon the new States of the West. Mr. Holmes of Maine supported the resolution, as one of inquiry into an important sub-

ject. Mr. Foot disclaimed every purpose unfriendly to the West, and at the close of the conversation (in which Mr. Webster took no part), it was agreed that the consideration of the resolution should be postponed to the 11th of January, and made the special order of the day for that day.

When the resolution came up it was discussed by Mr. Benton of Missouri and Mr. Holmes of Maine. Other members took some part in the debate, and then Mr. Hayne of South Carolina commenced a speech, which occupied the rest of the day. Mr. Hayne was one of the younger members of the Senate. He came forward in his native State in 1814, when hardly of age, with great *éclat*, filled in rapid succession responsible offices, and came to the Senate of the United States in 1823, with a reputation already brilliant, and rapidly increasing. He was active and diligent in business, fluent, graceful, and persuasive as a debater; of a sanguine and self-relying temper; shrinking from no antagonist, and disposed to take the part of a champion.

Mr. Webster, up to this time, had not participated in the debate, which had in fact been rather a pointless affair, and was dragging its slow length through the Senate, no one knew exactly to what purpose. It had as yet assumed no character in which it invited or required his attention. He was much engaged at the time in the Supreme Court of the United States. Leaving the court-room when the court adjourned on Tuesday, the 19th, Mr. Webster came into the Senate in season to hear the greater part of Mr. Hayne's speech; and it was sug-

gested to him by several friends that an immediate answer to Mr. Hayne was due from him. The line of discussion pursued by the Senator from South Carolina was such as to require, if not to provoke, an immediate answer from the North. Mr. Webster accordingly rose when Mr. Hayne took his seat, but gave way to a motion for adjournment from Mr. Benton. These circumstances will sufficiently show how entirely without premeditation, and with what preoccupation by other trains of thought, Mr. Webster was led into this great intellectual conflict.

He appeared in the Senate the next morning, Wednesday, January 20th, and Mr. Foot's resolution being called up, was modified, on the suggestion of Messrs. Sprague of Maine and Woodbury of New Hampshire, by adding the following clause:—

"Or whether it be expedient to adopt measures to hasten the sales and extend more rapidly the surveys of the public lands."

Mr. Webster immediately proceeded with the debate. No elaborate preparation, of course, could have been made by him, as the speech of Mr. Hayne, to which his reply was mainly directed, was delivered the day before. He vindicated the government, under its successive administrations, from the general charge of having managed the public lands in a spirit of hostility to the Western States. He particularly defended New England against the accusation of hostility to the West. A passage in this part of his speech, contrasting Ohio as she was in 1794 with the Ohio of 1830, will compare advantageously with any thing in his speeches. In speaking of the settlement of the West, Mr. Webster in-

troduced with just commendation the honored name of Nathan Dane, as the author of the Ordinance of 1787, for the organization and government of the territory northwest of the Ohio. He maintained that every measure of legislation beneficial to the West had been carried in Congress by the aid of New England votes, and he closed by an allusion to his own course as uniformly friendly to that part of the Union. Mr. Benton followed Mr. Webster, and commenced a speech in reply.

The next day, Thursday, the 21st, the subject again came up, and it was now evident that the debate had put on a new character. Its real interest and importance were felt to be commencing. Mr. Chambers expressed the hope that the Senate would consent to postpone the further consideration of the resolution till the next Monday, as Mr. Webster, who had engaged in the discussion and wished to be present when it should be resumed, had pressing engagements out of the house, and could not conveniently give his attendance in the Senate before Monday. * Mr. Hayne said " he saw the gentleman from Massachusetts in his seat, and presumed he could make an arrangement which would enable him to be present here, during the discussion today. He was unwilling that this subject should be postponed before he had an opportunity of replying to some of the observations which had fallen from that gentleman yesterday. He would not deny that

* Mr. Chambers referred to the case in court just mentioned, in which Mr. Webster was engaged, and in which the argument had already begun.

some things had fallen from him which rankled * here (touching his breast), from which he would desire at once to relieve himself. The gentleman had discharged his fire in the presence of the Senate. He hoped he would now afford him an opportunity of returning the shot."

The manner in which this was said was not such as to soften the harshness of the sentiment. It will be difficult, in reverting to Mr. Webster's speech, to find either in its substance or spirit any adequate grounds for the feeling manifested by Mr. Hayne. Nor would it probably be easy in the history of Congress to find another case in which a similar act of accommodation in the way of postponing a subject has been refused, at least on such a ground. Mr. Webster, in reply to Mr. Hayne's remark, that he wished without delay to return his shot, said, "Let the discussion proceed; I am ready now to receive the gentleman's fire."

Mr. Benton then addressed the Senate for about an hour, in conclusion of the speech which he had commenced the day before. At the close of Mr. Benton's argument, Mr. Bell of New Hampshire moved that the further consideration of the subject should be postponed till Monday, but the motion was negatived. Mr. Hayne then took the floor, and spoke for about an hour in reply to Mr. Webster's remarks of the preceding day. Before he had concluded his argument, the Senate adjourned till Monday. On that day, January the 25th, he spoke for two hours and a half, and completed his speech. Mr.

* Mr. Hayne subsequently disclaimed having used this word.

Webster immediately rose to reply, but the day was far advanced, and he yielded to a motion for adjournment.

The second speech of Mr. Hayne, to which Mr. Webster was now called upon to reply, was still more strongly characterized than the first with severity, not to say bitterness, toward the Eastern States. The tone toward Mr. Webster personally was not courteous. It bordered on the offensive. It was difficult not to find in both of the speeches of the Senator from South Carolina the indication of a preconceived purpose to hold up New England, and Mr. Webster as her most distinguished representative, to public odium. In his second speech, Mr. Hayne reaffirmed and urged those constitutional opinions which are usually known as the doctrines of Nullification; that is to say, the assumed right of a State, when she deems herself oppressed by an unconstitutional act of Congress, to declare by State ordinance the act of Congress null and void, and discharge the citizens of the State from the duty of obedience.

Such being the character of Mr. Hayne's speech, Mr. Webster had three objects to accomplish in his answer. The first was to repel the personalities toward himself, which formed one of the most prominent features of Mr. Hayne's speech. This object was accomplished by a few retaliatory strokes, in which the severest sarcasm was so mingled with unaffected good humor and manly expostulation, as to carry captive the sympathy of the audience. The vindication of the Eastern States generally, and of

Massachusetts in particular, was the second object, and was pursued in a still higher strain. When it was finished, no one probably regretted more keenly than the accomplished antagonist the easy credence which he had lent to the purveyors of forgotten scandal, some of whom were present, and felt grateful for their obscurity.

The third and far the more important object with Mr. Webster was the constitutional argument, in which he asserted the character of our political system as a government established by the people of the United States, in contradistinction to a compact between the separate States; and exposed the fallacy of attempting to turn the natural right of revolution against the government into a right reserved under the Constitution to overturn the government itself.

Several chapters of the interesting work of Mr. March, already referred to,* are devoted to the subject of this debate; and we have thought that we could in no way convey to the reader so just and distinct an impression of the effect of Mr. Webster's speech at the time of its delivery, as by borrowing largely from his animated pages.

"It was on Tuesday, January the 26th, 1830,—a day to be hereafter for ever memorable in Senatorial annals,—that the Senate resumed the consideration of Foot's resolution. There never was before, in the city, an occasion of so much excitement. To witness this great intellectual contest, multitudes of strangers had for two or three days previous been rushing into the city, and the hotels overflowed. As early as 9 o'clock of this morning, crowds poured into the Capitol, in hot haste; at 12 o'clock, the hour of meeting, the Senate-chamber—its gal-

* Reminiscences of Congress.

leries, floor, and even lobbies—was filled to its utmost capacity. The very stairways were dark with men, who clung to one another, like bees in a swarm.

"The House of Representatives was early deserted. An adjournment would have hardly made it emptier. The Speaker, it is true, retained his chair, but no business of moment was, or could be, attended to. Members all rushed in to hear Mr. Webster, and no call of the House or other parliamentary proceedings could compel them back. The floor of the Senate was so densely crowded, that persons once in could not get out, nor change their position; in the rear of the Vice-Presidential chair, the crowd was particularly intense. Dixon H. Lewis, then a Representative from Alabama, became wedged in here. From his enormous size, it was impossible for him to move without displacing a vast portion of the multitude. Unfortunately, too, for him, he was jammed in directly behind the chair of the Vice-President, where he could not see, and hardly hear, the speaker. By slow and laborious effort, pausing occasionally to breathe, he gained one of the windows, which, constructed of painted glass, flank the chair of the Vice-President on either side. Here he paused, unable to make more headway. But determined to see Mr. Webster as he spoke, with his knife he made a large hole in one of the panes of the glass; which is still visible as he made it. Many were so placed as not to be able to see the speaker at all.

"The courtesy of Senators accorded to the fairer sex room on the floor,—the most gallant of them, their own seats. The gay bonnets and brilliant dresses threw a varied and picturesque beauty over the scene, softening and embellishing it.

"Seldom, if ever, has speaker in this or any other country had more powerful incentives to exertion; a subject, the determination of which involved the most important interests, and even duration, of the republic; competitors, unequalled in reputation, ability, or position; a name to make still more glorious, or lose for ever; and an audience, comprising not only persons of this country most eminent in intellectual greatness, but representatives of other nations, where the art of eloquence had flourished for ages. All the soldier seeks in opportunity was here.

"Mr. Webster perceived, and felt equal to, the destinies of the moment. The very greatness of the hazard exhilarated

him. His spirits rose with the occasion. He awaited the time of onset with a stern and impatient joy. He felt like the war-horse of the Scriptures, who 'paweth in the valley, and rejoiceth in his strength: who goeth on to meet the armed men,—who saith among the trumpets, Ha, ha! and who smelleth the battle afar off, the thunder of the captains and the shouting.'

"A confidence in his own resources, springing from no vain estimate of his power, but the legitimate offspring of previous severe mental discipline, sustained and excited him. He had gauged his opponents, his subject, and *himself*.

"He was, too, at this period, in the very prime of manhood. He had reached middle age,—an era in the life of man when the faculties, physical or intellectual, may be supposed to attain their fullest organization and most perfect development. Whatever there was in him of intellectual energy and vitality, the occasion, his full life, and high ambition might well bring forth.

"He never rose on an ordinary occasion to address an ordinary audience more self-possessed. There was no tremulousness in his voice or manner; nothing hurried, nothing simulated. The calmness of superior strength was visible everywhere; in countenance, voice, and bearing. A deep-seated conviction of the extraordinary character of the emergency, and of his ability to control it, seemed to possess him wholly. If an observer, more than ordinarily keen-sighted, detected at times something like exultation in his eye, he presumed it sprang from the excitement of the moment, and the anticipation of victory.

"The anxiety to hear the speech was so intense, irrepressible, and universal, that no sooner had the Vice-President assumed the chair than a motion was made, and unanimously carried, to postpone the ordinary preliminaries of Senatorial action, and to take up immediately the consideration of the resolution.

"Mr. Webster rose and addressed the Senate. His exordium is known by heart everywhere: 'Mr. President, when the mariner has been tossed, for many days, in thick weather, and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude, and ascertain how far the elements have driven him from his true course. Let us imitate this prudence, and, before

we float farther on the waves of this debate, refer to the point from which we departed, that we may at least be able to conjecture where we now are. I ask for the reading of the resolution before the Senate.'

"There wanted no more to enchain the attention. There was a spontaneous, though silent, expression of eager approbation, as the orator concluded these opening remarks.

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"Those who had doubted Mr. Webster's ability to cope with and overcome his opponents were fully satisfied of their error before he had proceeded far in his speech. Their fears soon took another direction. When they heard his sentences of powerful thought, towering in accumulative grandeur, one above the other, as if the orator strove, Titan-like, to reach the very heavens themselves, they were giddy with an apprehension that he would break down in his flight. They dared not believe that genius, learning, and intellectual endowment however uncommon, that was simply mortal, could sustain itself long in a career seemingly so perilous. They feared an Icarian fall.

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"What New England heart was there but throbbed with vehement, tumultuous, irrepressible emotion, as he dwelt upon New England sufferings, New England struggles, and New England triumphs during the war of the Revolution? There was scarcely a dry eye in the Senate; all hearts were overcome; grave judges and men grown old in dignified life turned aside their heads, to conceal the evidences of their emotion.

"In one corner of the gallery was clustered a group of Massachusetts men. They had hung from the first moment upon the words of the speaker, with feelings variously but always warmly excited, deepening in intensity as he proceeded. At first, while the orator was going through his exordium, they held their breath and hid their faces, mindful of the savage attack upon him and New England, and the fearful odds against him, her champion;—as he went deeper into his speech, they felt easier; when he turned Hayne's flank on Banquo's ghost, they breathed freer and deeper. But now, as he alluded to Massachusetts, their feelings were strained to the

highest tension; and when the orator, concluding his encomium of the land of their birth, turned, intentionally or otherwise, his burning eye full upon them, *they shed tears like girls!*

"No one who was not present can understand the excitement of the scene. No one who was, can give an adequate description of it. No word-painting can convey the deep, intense enthusiasm, the reverential attention, of that vast assembly, nor limner transfer to canvas their earnest, eager, awe-struck countenances. Though language were as subtile and flexible as thought, it still would be impossible to represent the full idea of the scene. There is something intangible in an emotion, which cannot be transferred. The nicer shades of feeling elude pursuit. Every description, therefore, of the occasion, seems to the narrator himself most tame, spiritless, unjust.

"The exulting rush of feeling with which he went through the peroration threw a glow over his countenance, like inspiration. Eye, brow, each feature, every line of the face, seemed touched, as with a celestial fire.

"The swell and roll of his voice struck upon the ears of the spell-bound audience, in deep and melodious cadence, as waves upon the shore of the 'far-resounding' sea. The Miltonic grandeur of his words was the fit expression of his thought, and raised his hearers up to his theme. His voice, exerted to its utmost power, penetrated every recess or corner of the Senate,—penetrated even the ante-rooms and stairways, as he pronounced in deepest tones of pathos these words of solemn significance: 'When my eyes shall be turned to behold, for the last time, the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, nor a single star obscured, bearing for its motto, no such miserable interrogatory as, 'What is all this worth?' nor those other words of delusion and folly, 'Liberty first and Union afterwards'; but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under

the whole heavens, that other sentiment, dear to every American heart,—LIBERTY AND UNION, NOW AND FOR EVER, ONE AND INSEPARABLE!

After having spoken about three hours on the 26th of January, Mr. Webster gave way for an adjournment. He resumed and concluded the speech on the following day. During most of the time that he was speaking, Mr. Hayne occupied himself in taking notes, and rose to reply at the conclusion of Mr. Webster's argument. An adjournment was proposed by one of Mr. Hayne's friends, but he wisely determined to terminate all that he intended to say on the subject upon the spot. He accordingly addressed the Senate for about half an hour upon the constitutional question which formed the most important portion of Mr. Webster's speech. These remarks of Mr. Hayne were, in the newspaper report, expanded into an elaborate argument, which occupied nineteen pages in the register of Congressional debates. When Mr. Hayne sat down, Mr. Webster, in turn, rose to make a brief rejoinder. "The gentleman," said he, "has in vain attempted to reconstruct his shattered argument"; and this formidable exordium was followed up by a brief restatement of his own argument, which, for condensation, precision, and force, may be referred to as a specimen of parliamentary logic never surpassed. The art of reasoning on moral questions can go no further.

Thus terminated the day's great work. In the evening the Senatorial champions met at a friend's house, and exchanged those courteous salutations which mitigate the asperity of political collision, and

prevent the conflicts of party from embittering social life.

The sensation produced by the great debate on those who heard it was but the earnest of its effect on the country at large. The length of Mr. Webster's speech did not prevent its being copied into the leading newspapers throughout the country. It was the universal theme of conversation. Letters of acknowledgment and congratulation from the most distinguished individuals, from politicians retired from active life, from entire strangers, from persons not sympathizing with all Mr. Webster's views, from distant parts of the Union, were addressed to him by every mail. Immense editions of the speech in a pamphlet form were called for. It is no exaggeration to say, that throughout the country Mr. Webster's speech was regarded, not only as a brilliant and successful personal defence and a triumphant vindication of New England, but as a complete overthrow of the dangerous constitutional heresies which had menaced the stability of the Union.

In this light it was looked upon by a large number of the most distinguished citizens of New York, who took occasion to offer Mr. Webster the compliment of a public dinner the following winter. Circumstances delayed the execution of their purpose till some time had elapsed from the delivery of the speech, but the recollection of it was vivid, and it was referred to by Chancellor Kent, the president of the day, as the service especially demanding the grateful recognition of the country. After alluding to the debate on Foot's resolution and to the char-

acter of Mr. Webster's speech, the venerable Chancellor added:—

"The consequences of that discussion have been extremely beneficial. It turned the attention of the public to the great doctrines of national rights and national union. Constitutional law ceased to remain wrapped up in the breasts, and taught only by the responses, of the living oracles of the law. Socrates was said to have drawn down philosophy from the skies, and scattered it among the schools. It may with equal truth be said that constitutional law, by means of those senatorial discussions and the master genius that guided them, was rescued from the archives of our tribunals and the libraries of our lawyers, and placed under the eye and submitted to the judgment of the American people. *Their verdict is with us, and from it there lies no appeal.*" *

With respect to Mr. Foot's resolution it may be observed, that it continued before the Senate a long time, a standing subject of discussion. At length, on the 21st of May, a motion for indefinite postponement, submitted by Mr. Webster at the close of his first speech, prevailed, and thus the whole discussion ended.

* Chancellor Kent's remarks are given entire in the introduction to "Mr. Webster's Speech at the New York Dinner," vol. i. p. 194.

CHAPTER VII

President Jackson's Administrations.—Speedy Discord among the Parties.—Mr. Webster's Relations to the Administration. —Veto of the Bank.—Rise and Progress of Nullification in South Carolina.—The Force Bill.—Mr. Madison's Letter on Secession.—Removal of the Deposits.—Mr. Van Buren's Election.—Financial Crisis and Extra Session of Congress. —Government Plan of Finance.—Mr. Webster's Visit to Europe and distinguished Reception.—Presidential Canvass of 1840.—Election of General Harrison.

It would require a volume of ample dimensions to relate the history of Mr. Webster's Senatorial career from this time till the accession of General Harrison to the Presidency, in 1841. In this interval the government was administered for two successive terms by General Jackson, and for a single term by Mr. Van Buren. It was a period filled with incidents of great importance in various departments of the government, often of a startling character at the time, and not less frequently exerting a permanent influence on the condition of the country. It may be stated as the general characteristic of the political tendencies of this period, that there was a decided weakening of respect for constitutional restraint. Vague ideas of executive discretion prevailed on the one hand in the interpretation of the Constitution, and of popular sovereignty on the other, as represented by a President elevated to office by overwhelming majorities of the people. The expulsion of the

ground of the importance of a national bank to the fiscal operations of the government, and to the currency, exchange, and general business of the country. No specific complaints of mismanagement had then been made, nor were any abuses alleged to exist. The bank was, almost without exception, popular at that time with the business interests of the country, and particularly at the South and West. Its credit in England was solid; its bills and drafts on London took the place of specie for remittances to India and China. Its convenience and usefulness were recognized in the report of the Secretary of the Treasury (Mr. Lane), at the same time that its constitutionality was questioned and its existence threatened by the President. So completely, however, was the policy of General Jackson's administration the impulse of his own feelings and individual impressions, and so imperfectly had these been disclosed on the present occasion, that the fate of the bill for rechartering the bank was a matter of uncertainty on the part both of adherents and opponents. Many persons on both sides of the two houses were taken by surprise by the veto.

But events of a different complexion soon occurred, and gave a new direction to the thoughts of men throughout the country. The opposition of South Carolina to the protective policy had been pushed to a point of excitement at which it was beyond the control of party leaders. Although, as we have seen, that policy had in 1816 been established by the aid of distinguished statesmen of South Carolina, who saw in the success of American cotton

manufactures a new market for the staple of the South, in which it would take the place of the cotton of India, the protective policy at a later period had come to be generally considered unconstitutional at the South. A change of opinion somewhat similar had taken place in New England, which had been originally opposed to this policy, as adverse to the commercial and navigating interests. Experience gradually showed that such was not the case. The enactment of the law of 1824 was considered as establishing the general principle of protection as the policy of the country. It was known to be the policy of the great central States. The capital of the North was to some extent forced into new channels. Some branches of manufactures flourished, as skill was acquired and improvements in machinery made. The coarse cotton fabrics which had enjoyed the protection of the *minimum* duty prospered, manufacturing villages grew up, the price of the fabric fell, and as competition increased the tariff did little more than protect the domestic manufacturer from fraudulent invoices and the fluctuation of foreign markets. Thus all parties were benefited, not excepting the South, which gained a new customer for her staple. These changes in the condition of things led Mr. Webster, as we have remarked in a former chapter, to modify his course on the tariff question.

Unfortunately, no manufactures had been established at the South. The vast quantities of new and fertile land opened in the west of Georgia, in Alabama, and Mississippi, injured the value of the old and partly exhausted lands of the Atlantic States.

Labor was drawn off to found plantations in the new States, and the injurious consequences were ascribed to the tariff. Considerations of a political nature had entirely changed the tolerant feeling which, up to a certain period, had been shown by one class of Southern politicians toward the protective policy. With the exception of Louisiana, and one or two votes in Virginia, the whole South was united against the tariff. South Carolina had suffered most by the inability of her worn lands to sustain the competition with the lands of the Yazoo and the Red River, and to her the most active opposition, under the lead of Mr. Calhoun, was confined. The modern doctrine of nullification was broached by her accomplished statesmen, and an unsuccessful attempt made to deduce it from the Virginia resolutions of 1798. Mr. Madison, in a letter addressed to the writer of these pages,* in August, 1830, firmly resisted this attempt; and, as a theory, the whole doctrine of nullification was overthrown by Mr. Webster, in his speech of the 26th of January, 1830. But public sentiment had gone too far in South Carolina to be checked; party leaders were too deeply committed to retreat; and at the close of 1832 the ordinance of nullification was adopted by a State convention.

This decisive act roused the hero of New Orleans from the vigilant repose with which he had watched the coming storm. Confidential orders to hold themselves in readiness for active service were sent in every direction to the officers of the army and the

* North American Review, vol. xxxi, p. 537.

navy. Prudent and resolute men were quietly stationed at the proper posts. Arms and munitions in abundance were held in readiness, and a chain of expresses in advance of the mail was established from the Capitol to Charleston. These preparations made, the Presidential proclamation of the 11th of December, 1832, was issued. It was written by Mr. Edward Livingston, then Secretary of State, from notes furnished by General Jackson himself; but there is not an idea of importance in it which may not be found in Mr. Webster's speech on Foot's resolution.

The proclamation of the President was met by the counter-proclamation of Governor Hayne; and the State of South Carolina proceeded to pass laws for carrying the ordinance of nullification into effect, and for putting the State into a condition to carry on war with the General Government. In this posture of affairs the President of the United States laid the matter before Congress, in his message of the 16th of January, 1833, and the bill "further to provide for the collection of duties on imports" was introduced into the Senate, in pursuance of his recommendations. Mr. Calhoun was at this time a member of that body, having been chosen to succeed Governor Hayne, and having of course resigned the office of Vice-President. Thus called, for the first time, to sustain in person before the Senate and the country the policy of nullification, which had been adopted by South Carolina mainly under his influence, and which was now threatening the Union, it hardly need be said that he exerted all his ability,

and put forth all his resources, in defence of the doctrine which had brought his State to the verge of revolution. It is but justice to add, that he met the occasion with equal courage and vigor. The bill "to make further provision for the collection of the revenue," or "Force Bill," as it was called, was reported by Mr. Wilkins from the Committee on the Judiciary on the 21st of January, and on the following day Mr. Calhoun moved a series of resolutions, affirming the right of a State to annul, as far as her citizens are concerned, any act of Congress which she may deem oppressive and unconstitutional. On the 15th and 16th of February, he spoke at length in opposition to the bill, and in development and support of his resolutions. On this occasion the doctrine of nullification was sustained by him with far greater ability than it had been by General Hayne, and in a speech which we believe is regarded as Mr. Calhoun's most powerful effort. In closing his speech, Mr. Calhoun challenged the opponents of his doctrines to disprove them, and warned them, in the concluding sentence, that the principles they might advance would be subjected to the revision of posterity.

Mr. Webster, before Mr. Calhoun had resumed his seat, or he had risen from his own, accepted the challenge, and commenced his reply. He began to speak as he was rising, and continued to address the Senate with great force and effect, for about two hours. The Senate then took a recess, and after it came together Mr. Webster spoke again, from five o'clock till eight in the evening. The speech was

more purely a constitutional argument than that of the 26th of January, 1830. It was mainly devoted to an examination of Mr. Calhoun's resolutions; to a review of the adoption and ratification of the Constitution of the United States, by way of elucidating the question whether the system provided by the Constitution is a government of the people or a compact between the States; and to a discussion of the constitutionality of the tariff. The Senate-chamber was thronged to its utmost capacity, both before and after the recess, although the streets of Washington, owing to the state of the weather at the time, were nearly impassable.

The opinion entertained of this speech by the individual who, of all the people of America, was the best qualified to estimate its value, may be seen from the following letter of Mr. Madison, which has never before been published:

"*Montpellier, March 15th*, 1833.

"My dear Sir:—I return my thanks for the copy of your late very powerful speech in the Senate of the United States. It crushes 'nullification,' and must hasten an abandonment of 'secession.' But this dodges the blow, by confounding the claim to secede at will with the right of seceding from intolerable oppression. The former answers itself, being a violation without cause of a faith solemnly pledged. The latter is another name only for revolution, about which there is no theoretic controversy. Its double aspect, nevertheless, with the countenance received from certain quarters, is giving it a popular currency here, which may influence the approaching elections both for Congress and for the State legislature. It has gained some advantage also by mixing itself with the question, whether the Constitution of the United States was formed by the people or by the States, now under a theoretic discussion by animated partisans.

"It is fortunate when disputed theories can be decided by undisputed facts, and here the undisputed fact is, that the Constitution was made by the people, but as embodied into the several States who were parties to it, and therefore made by the States in their highest authoritative capacity. They might, by the same authority and by the same process, have converted the confederacy into a mere league or treaty, or continued it with enlarged or abridged powers; or have embodied the people of their respective States into one people, nation, or sovereignty; or, as they did, by a mixed form, make them one people, nation, or sovereignty for certain purposes, and not so for others.

"The Constitution of the United States, being established by a competent authority, by that of the sovereign people of the several States who were parties to it, it remains only to inquire what the Constitution is; and here it speaks for itself. It organizes a government into the usual legislative, executive, and judiciary departments; invests it with specified powers, leaving others to the parties to the Constitution. It makes the government like other governments to operate directly on the people; places at its command the needful physical means of executing its powers; and finally proclaims its supremacy, and that of the laws made in pursuance of it, over the constitutions and laws of the States, the powers of the government being exercised, as in other elective and responsible governments, under the control of its constituents, the people and the legislatures of the States, and subject to the revolutionary rights of the people, in extreme cases.

"Such is the Constitution of the United States *de jure* and *de facto,* and the name, whatever it be, that may be given to it can make it nothing more or less than what it is.

"Pardon this hasty effusion, which, whether precisely according or not with your ideas, presents, I am aware, none that will be new to you.

"With great esteem and cordial salutations,

"JAMES MADISON.

"MR. WEBSTER."

It may be observed, in reference to the closing remark in the above important letter, that the view which it presents of the nature of the government

established by the Constitution is precisely that taken by Mr. Webster in the various speeches in which the subject is discussed by him.

The President of the United States felt the importance of Mr. Webster's aid in the great constitutional struggle of the session. There were men of great ability enlisted in support of his administration, Messrs. Forsyth, Grundy, Dallas, Rives, and others, but no one competent to assume the post of antagonist to the great Southern leader. The general political position of Mr. Webster made it in no degree his duty to sustain the administration in any party measure, but the reverse. But his whole course as a public man, and all his principles, forbade him to act from party motives in a great crisis of the country's fortunes. The administration was now engaged in a fearful struggle for the preservation of the Union, and the integrity of the Constitution. The doctrines of the proclamation were the doctrines of his speech on Foot's resolution almost to the words. He would have been unjust to his most cherished principles and his views of public duty had he not come to the rescue, not of the administration, but of the country, in this hour of her peril. His aid was personally solicited in the great debate on the "Force Bill" by a member of the Cabinet, but it was not granted till the bill had undergone important amendments suggested by him, when it was given cordially, without stint and without condition.*

* It is not wholly unworthy of remark in this place, as illustrating the dependence on Mr. Webster's aid which was felt at the White House, that, on the day of his reply to Mr. Calhoun, the President's carriage was sent to Mr. Webster's lodg-

In the recess of Congress in the year 1833, Mr. Webster made a short journey to the Middle States and the West. He was everywhere the object of the most distinguished and respectful attentions. Public receptions took place at Buffalo and Pittsburg, where, under the auspices of committees of the highest respectability, he addressed immense assemblages convened without distinction of party. Invitations to similar meetings reached him from many quarters, which he was obliged by want of leisure to decline.

The friendly relations into which Mr. Webster had been drawn with the President, and the enthusiastic welcome given to the President on his tour to the East, in the summer of 1833, awakened jealousy in certain quarters. It was believed at the time, by well-informed persons, that among the motives which actuated some persons in General Jackson's confidence, in fanning his hostility to the Bank of the United States, was that of bringing forward a question of great interest both to the public and the President, on which he would be sure to encounter Mr. Webster's opposition.

Such a subject was the removal of the deposits of the public moneys from the Bank of the United States, a measure productive of more immediate distress to the community and a larger train of evil consequences than perhaps any similar measure in our political history. It was finally determined upon

ings, as was supposed with a message borne by the President's private secretary. Happening to be still at the door when Mr. Webster was about to go to the Capitol, it conveyed him to the Senate-chamber.

while the President was on his Northern tour, in the summer of 1833, receiving in every part of New England those warm demonstrations of respect which his patriotic course in the great nullification struggle had inspired. It is proper to state, that up to this period, in the judgment of more than one committee of Congress appointed to investigate its affairs, in the opinion of both houses of Congress, who in 1832 had passed a bill to renew the charter, and of the House of Representatives, which had resolved that the deposits were safe in its custody, the affairs of the bank had been conducted with prudence, integrity, and remarkable skill. It was not the least evil consequence of the warfare waged upon the bank, that it was finally drawn into a position (though not till its Congressional charter expired, and it accepted very unwisely a charter as a State institution) in which, in its desperate struggle to sustain itself, it finally forfeited the confidence of its friends and the public, and made a deplorable and shameful shipwreck at once of its interests and honor, involving hundreds, at home and abroad, in its own deserved ruin.

The second administration of General Jackson, which commenced in March, 1833, was principally employed in carrying on this war against the bank, and in the effort to build up the league of the associated banks into an efficient fiscal agent of the government. The dangerous crisis of affairs in South Carolina had, for the time, passed. The passage of the "Force Bill" had vindicated the authority of the Constitution as the supreme law of the land, and

had armed the President with the needed powers to maintain it. On the other hand, the Compromise Bill of Mr. Clay, providing for the gradual reduction of all duties to one uniform rate of twenty per cent., was accepted by Mr. Calhoun and his friends as a practical concession, and furnished them the opportunity of making what they deemed a not discreditable retreat from the attitude of military resistance in which they had placed the State. Regarding this bill in the light of a concession to unconstitutional menace, as tending to the eventual prostration of all the interests which had grown up under the system so long pursued by the government, Mr. Webster felt himself compelled to withhold from it his support. He rejoiced, however, in the concurrence of events which had averted the dread appeal to arms that seemed at one time unavoidable.

It would occupy an unreasonable space to dwell upon every public measure before Congress at this session; but there is one which cannot with propriety be passed over, as it drew forth from Mr. Webster an argument not inferior to his speech on the "Force Bill." A resolution, originally moved by Mr. Clay, expressing disapprobation of the removal of the deposits from the bank, was, after material amendments, adopted by the Senate. This resolution led to a formal protest from the President, communicated to the Senate on the 15th of April, 1834. Looking upon the resolution referred to as one of expediency, it is probable that Mr. Webster did not warmly favor, though, with Mr. Calhoun, he con-

curred in, its passage. The protest of the President, however, placed the subject on new ground. Mr. Webster considered it as an encroachment on the constitutional rights of the Senate, and as a denial to that body of the freedom of action which the executive claimed so earnestly for itself. He accordingly addressed the Senate on the 7th of May, in a speech of the highest ability, in which the doctrines of the protest were subjected to the severest scrutiny, and the constitutional rights and duties of the Senate asserted with a force and spirit worthy of the important position occupied by that body in the frame of the government. This speech will be ever memorable for that sublime passage on the extent of the power of England, which will be quoted with admiration wherever our language is spoken and while England retains her place in the family of nations.

At the same session of Congress, Mr. Webster spoke frequently on the presentation of memorials, which were poured in upon him from every part of the country, in reference to the existing distress. These speeches were of necessity made, in almost every case, with little or no preparation, but many of them contain expositions of the operation of the financial experiment instituted by General Jackson, which will retain a permanent value in our political history. Some of them are marked by bursts of the highest eloquence. The entire subject of the currency was also treated with great ability by Mr. Webster, in a report made at this session of Congress from the committee of the Senate on finance,

of which he was chairman. Few documents more skilfully digested or powerfully reasoned proceeded from his pen.

The same topics substantially occupied the attention of the Senate at the Twenty-fourth as at the Twenty-third Congress. The principal subjects discussed pertained to the currency. The specie circular and the distribution of the surplus revenue were among the prominent measures. A motion made in the Senate to expunge from its records the resolution of March, 1834, by which the Senate expressed its disapprobation of the removal of the deposits, drew forth from Mr. Webster, on behalf of himself and his colleague, a protest against that measure, of singular earnestness and power. Committed to writing, and read with unusual solemnity, it produced upon the Senate an effect which is still remembered and spoken of. Every word in it is weighed as in a balance.

The administration of General Jackson was drawing to a close; Mr. Van Buren had been chosen to succeed him in November, 1836. In the month of February following, upon an invitation from a large committee of merchants, professional men, and citizens generally of New York, given some months previous, Mr. Webster attended one of those great public meetings which he has been so often called to address. His speech on this occasion, delivered in Niblo's Saloon on the 15th of March, 1837, is one of the most important of his utterances of General Jackson's policy, and closed with a prediction of the impending catastrophe. After the adjournment of

Congress, Mr. Webster made a hasty tour to the West, in the course of which he addressed large public meetings at Wheeling in Virginia, at Madison in Indiana, and at other places. The coincidence of passing events with all his anticipations of the certain effects of the administration policy gave peculiar force to these addresses. It is to be regretted that these speeches appear from inadequate reports; of some of the speeches made by him on this tour, no notes were taken.

Such was the financial embarrassment induced by the explosion of the system of the late administration, that President Van Buren's first official act was a proclamation for an extra session of Congress, to be held in September, 1837. At this session the new government plan of finance, usually called "the Sub-treasury system," was brought forward. It was the opinion of Mr. Webster, that the rigid enforcement by the government of a system of specie payments in all its public receipts and expenditures was an actual impossibility, in the present state of things in this country and the other commercial countries of the civilized world. The attempt to reject altogether the aid of convertible paper, of bills of exchange, of drafts, and other substitutes for the use and transportation of the precious metals, must fail in practice in a commercial country, where the great mass of the business affairs of the community are transacted with their aid. If the attempt could be forced through, it would be like an attempt on the part of the government to make use of the ancient modes of travel and conveyance, while every citizen

in his private affairs enjoyed the benefit of steam navigation and railways. Mr. Webster accordingly opposed the sub-treasury project from its inception; and it failed to become a law at the extra session of Congress in 1837.

During the debate one of Mr. Calhoun's speeches called upon Mr. Webster for a rejoinder, which was made by him on the 12th of March. It is the most elaborate and effective of Mr. Webster's speeches on the subject of the currency. The constitutional right of the General Government to employ a convertible paper in its fiscal transactions, and to make use of banks in the custody and transmission of its funds, is argued in this speech with much ability, from the necessity of the case, from the contemporaneous expositions of the Constitution, from the practice of the government under every administration, from the expressed views and opinions of every President of the United States, including General Jackson, and from the often-declared opinions of all the leading statesmen of the country, not excepting Mr. Calhoun himself, whose course in this respect was reviewed by Mr. Webster somewhat at length, and in such a way as unavoidably to suggest the idea of inconsistency, although no such charge was made.

To some portions of this speech Mr. Calhoun replied a few weeks afterward, and sought to ward off the comments upon his own course in reference to this class of questions, by some severe strictures on that of Mr. Webster, which drew from that gentleman a prompt and spirited rejoinder.

This is the only occasion during the long political lives of these distinguished statesmen, begun nearly

at the same time, and continued through a Congressional career which brought them of necessity much in contact with each other, in which there was any approach to personality in their keen encounters. In fact, of all the highly eminent public men of the day, they are the individuals who have made the least use of the favorite weapon of ordinary politicians, personality toward opponents. On the decease of Mr. Calhoun at Washington, in the spring of 1850, their uninterrupted friendly relations were alluded to by Mr. Webster in cordial and affecting terms. He regarded Mr. Calhoun as decidedly the ablest of the public men to whom he had been opposed in the course of his political life.

These kindly feelings on Mr. Webster's part were fully reciprocated by Mr. Calhoun. He is known to have declared on his death-bed, that, of all the public men of the day, there was no one whose political course had been more strongly marked by a strict regard to truth and honor than Mr. Webster's.

In the spring of 1839, Mr. Webster crossed the Atlantic for the first time in his life, making a hasty tour through England, Scotland, and France. His attention was particularly drawn to the agriculture of England and Scotland; to the great subjects of currency and exchange; to the condition of the laboring classes; and to the practical effect on the politics of Europe of the system of the Continental alliance. No traveller from this country has probably ever been received with equal attention in the highest quarters in England. Courtesies usually paid only to ambassadors and foreign ministers were extended to him. His table was covered with invitations to

the seats of the nobility and gentry; and his company was eagerly sought at the public entertainments which took place while he was in the country. Among the distinguished individuals with whom he contracted intimate relations of friendship, the late Lord Ashburton may be particularly mentioned. A mutual regard of more than usual warmth arose between them. This circumstance was well understood in the higher circles of English society, and when, two years later, a change of administration in both countries brought the parties to which they were respectively attached into power, the friendly relations well known to exist between them were no doubt among the motives which led to the appointment of Lord Ashburton as special minister to the United States.

Toward that great political change which was consummated in 1840, by which General Harrison was raised to the Presidency, no individual probably in the country had contributed more largely than Mr. Webster; and this by powerful appeals to the reason of the people. His speeches had been for years a public armory, from which weapons both of attack and defence were furnished to his political friends throughout the Union. The financial policy of the two preceding administrations was the chief cause of the general discontent which prevailed; and it is doing no injustice to the other eminent leaders of opposition in the several States to say, that by none of them had the vices of this system from the first been so laboriously and effectively exposed as by Mr. Webster.

CHAPTER VIII

Critical State of Foreign Affairs.—Mr. Webster appointed to the State Department.—Death of President Harrison.—Embarrassed Relations with England.—The Northeastern Boundary.—Other Subjects of Negotiation.—Extradition.—Suppression of the Slave-Trade.—Affair of the Caroline.—Impressment, etc.—China.—The Sandwich Islands.—Mexico.—Mr. Webster's Services as Secretary of State.

THE condition of affairs in the United States, on the accession of President Harrison to office, in the spring of 1841, was difficult and critical, especially as far as the foreign relations of the country were concerned. Ancient and modern controversies existed with England, which seemed to defy adjustment. The great question of the northwestern boundary had been the subject of negotiation almost ever since the peace of 1783. Every effort to settle it had but increased the difficulties with which it was beset, by exhausting the expedients of diplomacy. The Oregon question was rapidly assuming a formidable aspect, as emigrants began to move into the country in dispute. Not less serious was the state of affairs on the southwestern frontier, where, although a collision with Mexico might not in itself be an event to be viewed with great anxiety, it was probable, as things then stood, that it would have brought a war with Great Britain in its train.

Such was the state of things when General Harrison acceded to the Presidency, after perhaps the most strenuously contested election ever known, and by a larger popular vote than had ever before been given in the United States. As soon as the result was known, the President elect addressed a letter to Mr. Webster, offering him any place he might choose in his Cabinet, and asking his advice as to the other members of which it should be composed. Averse to the daily drudgery of the Treasury, Mr. Webster gave his preference to the Department of State, without concealing from himself that it might be the post of greater care and responsibility.

But the death of the new President, when just entering upon the discharge of his duties, changed the state of affairs in this respect. The great national party which had called him to the helm was struck with astonishment. No rallying-point presented itself. A position of things existed, not overlooked, indeed, by the sagacious men who framed the Constitution, but which, from its very nature, can never enter practically into the calculations of the enthusiastic multitudes by which, in times of difficulty and excitement, a favorite candidate is borne to the chair. How much of the control which it would otherwise have possessed over public opinion could be retained by an administration thus unexpectedly deprived of its head, was a question which time alone could settle. Happily, as far as our foreign relations were concerned, a character had been assumed by the administration, from the very formation of General Harrison's Cabinet, which was

steadily maintained, till the adjustment of the most difficult points in controversy was effected by the treaty of Washington. President Harrison, as is well known, lived but one month after his inauguration, but all the members of his Cabinet remained in office under Mr. Tyler, who succeeded to the Presidency. With him, of course, rested the general authority of regulating and directing the negotiations with foreign powers, in which the government might be engaged. But the active management of these negotiations was in the hands of the Secretary of State, and it is believed that no difference of views in regard to important matters arose between him and Mr. Tyler. For the result of the principal negotiation, Mr. Tyler manifested great anxiety; and Mr. Webster has not failed, in public or private, to bear witness to the intelligent and earnest attention which was bestowed by him on the proceedings, through all their stages, and to express his sense of the confidence reposed in himself by the head of the administration, from the beginning to the end of the transactions.

If the position of things was difficult here, it was not less so on the other side of the Atlantic; indeed, many of the causes of embarrassment were common to the two countries. There, as here, the correspondence, whether conducted at Washington or London, had of late years done nothing toward an amicable settlement of the great questions at issue. It had degenerated into an exercise of diplomatic logic, with the effect, in England as well as in America, of strengthening each party in the belief of its

own rights, and of working up the public mind to a reluctant feeling that the time was at hand when those rights must be maintained by force.

While this was the state of affairs with reference to the immediate relations of the two countries, Lord Palmerston was urging France into a coöperation with the four other leading powers of Europe in the adoption of a policy, by the negotiation of the quintuple treaty, which would have left the United States in a position of dangerous insulation on the subject of the great maritime question of the day.

At this juncture, a change of administration occurred in England, subsequent but by a few months to that which had taken place in the government of the United States. Lord Melbourne's government gave way to that of Sir Robert Peel in the summer of 1841; it remained to be seen with what influence on the relations of the two countries.

From his first entrance on office as Secretary of State, Mr. Webster, long familiar with the perplexed history of the negotiation relative to the boundary between Canada and the United States, had perceived the necessity of taking a "new departure."

Early in the summer of 1841, Mr. Webster had intimated to Mr. Fox, the British Minister at Washington, that the American government was prepared to consider, and, if practicable, adopt, a conventional line, as the only mode of cutting the Gordian knot of the controversy. This overture was, of course, conveyed to London. Though not leading to any result on the part of the ministry just going

out of office, it was embraced by their successors in the same wise and conciliatory spirit in which it had been made. On the 26th of December, 1841, a note was addressed by Lord Aberdeen to Mr. Everett, inviting him to an interview on the following day, when he communicated the purpose of the British government to send a special mission to the United States, Lord Ashburton being the person selected as minister, and furnished with full powers to settle every question in controversy.

This step on the part of the British government was as bold as it was wise. It met the difficulty in the face. It justly assumed the existence of a corresponding spirit of conciliation on the part of the United States, and of a desire to bring matters to a practical result. It was bold, because it was the last expedient for an amicable adjustment, and because its failure must necessarily lead to very serious and immediate consequences.

In his choice of a minister, Lord Aberdeen was not less fortunate than he had been wise in proposing the measure. Lord Ashburton was above the reach of the motives which influence politicians of an ordinary stamp, and unencumbered by the habits of routine which belong to men regularly trained in a career. He possessed a weight of character at home which made him independent of the vulgar resorts of popularity. He was animated by a kindly feeling, and bound by kindly associations to this country. There was certainly no public man in England who united in an equal degree the confidence of his own government and country with those

claims to the good-will of the opposite party, which were scarcely less essential to success. The relations of personal friendship contracted by Mr. Webster with Lord Ashburton in 1839 have already been alluded to, as influencing the selection. They decided Lord Ashburton in accepting the appointment. The writer was informed by Lord Ashburton himself, that he should have despaired of bringing matters to a settlement advantageous to both countries, but for his reliance on the upright and honorable character of the American Secretary.

With the appointment of Lord Ashburton, the discussion of the main questions in controversy between the two countries, as far as it had been carried on in London, was transferred to Washington. But as an earnest of the conciliatory spirit which bore sway in the British counsels, Lord Aberdeen had announced to Mr. Everett, in the interval which elapsed between Lord Ashburton's appointment and his arrival at his place of destination, that the Queen's government admitted the wrong done by the detention of the *Tigris* and *Seamew* in the African waters, and was prepared to indemnify their owners for the losses sustained.

The first step taken by Mr. Webster, after receiving the directions of the President in reference to the negotiation, was to invite the coöperation of Massachusetts and Maine, the territory in dispute being the property of the two States, and under the jurisdiction of the latter. The extent of the treaty-making power of the United States, in a matter of such delicacy as the cession of territory claimed by

a State to be within its limits, belongs to the more difficult class of constitutional doctrines.

Massachusetts had anticipated the necessity of the measure, and made provision for the appointment of commissioners. The legislature of Maine was promptly convened for the same purpose by the late Governor Fairfield. Four parties were thus in presence at Washington for the management of the negotiation: the United States and Great Britain, Massachusetts and Maine. Recollecting that the question to be settled was one which had defied all the arts of diplomacy for half a century, it seemed to a distant, and especially a European observer, as if the last experiment, exceeding every former step in its necessary complication, was destined to a failure proportionately signal and ignominious. The course pursued by the American Secretary, in making the result of the negotiation relative to the boundary contingent upon the approval of the State commissioners, was regarded in Europe as decidedly ominous of its failure.

It undoubtedly required a high degree of political courage thus to put the absolute control of the subject, to a certain extent, out of the hands of the National Government; but it was a courage fully warranted by the event. It is now evident that this mode of procedure was the only one which could have been adopted with any hope of success. Though complicated in appearance, it was in reality the simplest mode in which the coöperation of the States could have been secured.

The fate of the negotiation might be considered

as involved in the success of this appeal to the Chief Magistrate of Maine, and through him to his constituents. It is said that, when Mr. Webster heard that the legislature of Maine had adopted the resolutions for the commission, he went to President Tyler and said, with evident satisfaction and some animation. "*The crisis is past!*"

It was, in truth, an adjustment equally honorable and advantageous to all parties. There is not an individual of common sense or common conscience in Maine or Massachusetts, in the United States or Great Britain, who would now wish it disturbed. It took from Maine a tract of land northwest of the St. John, which the people of Maine believed to belong to them under the treaty of 1783. But the disputed title to the worthless tract of morass, heath, and rock, covered with snow or fog throughout a great part of the year, was not ceded gratuitously. We obtained the navigation of the St. John, the natural outlet of the whole country, without which the territory watered by it would have been of comparatively little value; we obtained a good natural boundary as far as the course of the river was followed; and we established the line which we claimed at the head of the Connecticut, on Lake Champlain, and on the upper lakes; territorial objects of considerable interest. Great Britain had equal reason to be satisfied with the result. For her the territory northwest of the St. John, worthless to us, had a geographical and political value; it gave her a convenient connection between her provinces, which was all she desired. Both sides gained the only ob-

ject which really was of importance to either, a settlement by creditable means of a wearisome national controversy; an honorable escape from the scourge and curse of war.

Besides the convenience of such an understanding on the part of the two great commercial countries, from which language, personal appearance, and manners render mutual escape so easy, the condition of the frontier of the United States and Canada was such as to make this provision all but necessary for the preservation of the peace of the two countries

Another difficult question settled in this adjustment was that of the extradition of fugitives from justice, and the stipulations for extradition in the treaty of Washington appear to have served as a model for those since entered into between the most considerable European powers. A convention for the same purpose was concluded between England and France on the 13th of February, 1843, and other similar compacts have still more recently been negotiated. Between the United States and Great Britain the operation of this part of the treaty has been, in all ordinary cases, entirely satisfactory. Persons charged with the crimes to which its provisions extend have been mutually surrendered; and the cause of public justice, and in many cases important private interests, have been materially served on both sides of the water.

Not inferior in importance and delicacy to the other subjects provided for by the treaty was that which concerned the measures for the suppression of "the slave-trade" on the coast of Africa. In

order to understand the difficulties with which Mr. Webster had to contend on this subject, a brief history of the question must be given. The law of nations, as understood and expounded by the most respectable authorities and tribunals, European and American, recognizes the right of search of neutral vessels in time of war, by the public ships of the belligerents. It recognizes no right of search in time of peace. It makes no distinction between a right of visitation and a right of search. To compel a trading-vessel, against the will of her commander, to come to and be boarded, for any purpose whatsoever, is an exercise of the right of search which the law of nations concedes to belligerents for certain purposes. To do this in time of peace, under whatever name it may be excused or justified, is to perform an act of mere power, for which the law of nations affords no warrant. The moral quality of the action, and the estimate formed of it, will of course depend upon circumstances, motives, and manner. If an armed ship board a vessel under reasonable suspicion that she is a pirate and when there is no other convenient mode of ascertaining that point, there would be no cause of blame, although the suspicion turned out to be groundless.

The British government, for the praiseworthy purpose of putting a stop to the traffic in slaves, has at different times entered into conventions with several of the states of Europe authorizing a mutual right of search of the trading-vessels of each contracting party by the armed cruisers of the other party. These treaties give no right to search the

vessels of nations not parties to them. But if an armed ship of either party should search a vessel of a third power under a reasonable suspicion that she belonged to the other contracting party, and was pursuing the slave-trade in contravention of the treaty, this act of power, performed by mistake, and with requisite moderation and circumspection in the manner, would not be just ground of offence. It would, however, authorize a reasonable expectation of indemnification on behalf of the private individuals who might suffer by the detention, as in other cases of injury inflicted on innocent persons by public functionaries acting with good intentions, but at their peril.

The government of the United States, both in its executive and legislative branches, has at almost all times manifested an extreme repugnance to enter into conventions for a mutual right of search. It has not yielded to any other power in its aversion to the slave-trade, which it was the first government to denounce as piracy. The reluctance in question grew principally out of the injuries inflicted upon the American commerce, and still more out of the personal outrages in the impressment of American seamen, which took place during the wars of Napoleon, and incidentally to the belligerent right of search and the enforcement of the Orders in Council and the Berlin and Milan Decrees. Besides a wholesale confiscation of American property, hundreds of American seamen were impressed into the ships of war of Great Britain. So deeply had the public sensibility been wounded on both points, that any

extension of the right of search by the consent of the United States was for a long time nearly hopeless.

But this feeling, strong and general as it was, yielded at last to the detestation of the slave-trade. Toward the close of the second administration of Mr. Monroe the Executive had been induced, acting under the sanction of resolutions of the two houses of Congress, to agree to a convention with Great Britain for a mutual right of search of vessels suspected of being engaged in the traffic.

In defining the limits within which this right should be exercised, the coasts of America were included. The Senate were of opinion that such a provision might be regarded as an admission that the slave-trade was carried on between the coasts of Africa and the United States, contrary to the known fact, and to the reproach either of the will or power of the United States to enforce their laws, by which it was declared to be piracy. It also placed the whole coast of the Union under the *surveillance* of the cruisers of a foreign power. The Senate, accordingly, ratified the treaty, with an amendment exempting the coasts of the United States from the operation of the article. They also introduced other amendments of less importance.

On the return of the treaty to London thus amended, Mr. Canning, the British Foreign Secretary, gave way to a feeling of dissatisfaction at the course pursued by the Senate, not so much on account of any decided objection to the amendment in itself considered, as to the claim of the Senate to introduce any change into a treaty negotiated according to in-

structions. Under the influence of this feeling, Mr. Canning refused to ratify the treaty as amended, and no further attempt was at that time made to renew the negotiation.

After the treaty with Portugal, in 1838, the vessels of that country, which, with those of Spain, were most largely engaged in the traffic, began to assume the flag of the United States as a protection; and in many cases, also, although the property of vessels and cargo had, by collusive transfers on the African coast, become Spanish or Portuguese, the vessels had been built and fitted out in the United States, and too often, it may be feared, with American capital. Vessels of this description were provided with two sets of papers, to be used as occasion might require.

Had nothing further been done by British cruisers than to board and search these vessels, whether before or after a transfer of this kind, no complaint would probably have been made by the government of the United States. But, as many American vessels were engaged in lawful commerce on the coast of Africa, it frequently happened that they were boarded by British cruisers, not always under the command of discreet officers. Some voyages were broken up, officers and men occasionally ill-treated, and vessels sent to the United States or Sierra Leone for adjudication.

In 1840 an agreement was made between the officers in command of the British and American squadrons respectively, sanctioning a reciprocal right of search on the coast of Africa. It was a well-meant,

but unauthorized step, and was promptly disavowed by the administration of Mr. Van Buren. Its operation, while it lasted, was but to increase the existing difficulty. Reports of the interruptions experienced by our commerce in the African waters began greatly to multiply; and there was a strong interest on the part of those surreptitiously engaged in the traffic to give them currency. A deep feeling began to be manifested in the country; and the correspondence between the American Minister in London and Lord Palmerston, in the last days of the Melbourne ministry, was such as to show that the controversy had reached a critical point. Such was the state of the question when Mr. Webster entered the Department of State.

The controversy was transmitted, as we have seen, to the new administrations on both sides of the water, but soon assumed a somewhat modified character. The quintuple treaty, as it was called, was concluded at London, on the 20th of December, 1841, by England, France, Austria, Prussia, and Russia; and information of that fact, as we have seen above, was given by Lord Aberdeen to Mr. Everett the same day. A strong desire was intimated that the United States would join this association of the great powers, but no formal invitation for that purpose was addressed to them. But the recent occurrences on the coast of Africa, and the tone of the correspondence above alluded to, had increased the standing repugnance of the United States to the recognition of a right of search in time of peace.

The preceding sketch of the history of the question will show the difficulty of the position in reference to this most important interest, at the time Lord Ashburton's mission was instituted. With what practical good sense and high statesmanship the controversy was terminated is well known to the country.

The wisdom with which the eighth article of the treaty was drawn up was soon seen in its consequences. Its effect was decisive. It put a stop to all discontent at home in reference to the interruption of our lawful commerce on the coast of Africa.

The three subjects on which we have dwelt, namely, the northeastern boundary, the extradition of fugitives, and the suppression of the slave-trade, were the only ones which required to be provided for by treaty stipulation. Other subjects, scarcely less important and fully as difficult, were happily disposed of in the correspondence of the plenipotentiaries.

Some disappointment was probably felt, when the treaty of Washington was published, that a settlement of the Oregon question was not included among its provisions. It need not be said that a subject of such magnitude did not escape the attention of the negotiators. It was, however, speedily inferred by Mr. Webster, from the purport of his formal conferences with Lord Ashburton on this point, that an arrangement of this question was not then practicable, and that to attempt it would be to put the entire negotiation to great risk of failure. On the other hand, it was not less certain that, by

closing up the other matters in controversy, the best preparation was made for bringing the Oregon dispute to an amicable issue, whenever circumstances should favor that undertaking. Considerable firmness was no doubt required to act upon this policy, and to forego the attempt, at least, to settle a question rapidly growing into the most formidable magnitude. It is unnecessary to say how completely the course adopted has been justified by the event.

We have in the preceding remarks confined ourselves to the topics connected with the treaty of Washington. But other subjects of great importance connected with the foreign affairs of the country engaged the attention of Mr. Webster as Secretary of State.

The first of these pertained to our controversies with Mexico, and was treated in a letter to M. de Bocanegra, the Mexican Secretary of State and Foreign Relations. Under the head of "Relations with Spain" there was a correspondence of great interest between the Chevalier d'Argaïz, the representative of that government, and Mr. Webster, on the subject of the "Amistad." The pertinacity with which this matter was pursued by Spain, after its adjudication by the Supreme Court of the United States, furnishes an instructive commentary upon the sincerity of that government in its measures for the abolition of the slave-trade.

Of still greater interest are the institution of the mission to China, and the steps which led to the establishment of the independence of the Sandwich

Islands. At any period less crowded with important events the opening of diplomatic relations with China, and the conclusion of a treaty of commerce with that power, would have been deemed occurrences of unusual importance. It certainly reflects great credit on the administration, that it acted with such promptitude and efficiency in seizing this opportunity of multiplying avenues of commercial intercourse. Nor is less praise due to the energy and skill of the negotiator, Mr. Cushing, to whom this novel and important undertaking was confided, under instruction from Mr. Webster, and who was able to embark from China, on his return homeward, in six months after his arrival, having in the mean time satisfactorily concluded the treaty.

The application of the representatives of the Sandwich Islands to the government of the United States, and the countenance extended to them at Washington, exercised a most salutary and seasonable influence over the destiny of those islands. The British government was promptly made aware of the course pursued by the United States, and was no doubt led, in a considerable degree, by this circumstance, to promise the Hawaiian delegates, on the part of England, to respect the independent neutrality of their government. In the mean time the British admiral on that station had taken provisional possession of them on behalf of his government, in anticipation of a similar movement which was expected on the part of France. If intelligence of this occurrence had been received in London before the promise above alluded to was given by Lord Aberdeen to Messrs.

Richards and Haalilio, it is not impossible that Great Britain might have felt herself warranted in retaining the protectorate of the Hawaiian Islands as an offset for the occupation of Tahiti by the French. As it was, the temporary arrangement of the British admiral was disavowed, and the government restored to the native chief.

There was also a correspondence between Mr. Webster and the Portuguese Minister, on the subject of duties on Portuguese wines, and a report of great importance on the Sound duties and the Zoll-Verein, topics to which the recent changes in the Germanic system will henceforward impart a greatly increased importance.

This brief enumeration will of itself sufficiently show the extensive range of the subjects to which the attention of Mr. Webster was called, during the two years for which he filled the Department of State.

The published correspondence probably forms but a small portion of the official labors of the Department of State for the period during which it was filled by Mr. Webster. They constitute, nevertheless, the most important part of the documentary record of a period of official service, brief, indeed, but as beneficial to the country as any of which the memory is preserved in her annals. The administration of General Harrison found the United States, in the spring of 1841, on the verge of a war, not with a feeble Spanish province, scarcely capable of a respectable resistance, but with the most powerful government on earth. The conduct of our foreign

relations was intrusted to Mr. Webster, as Secretary of State, and in the two years during which he filled that office controversies of fifty years' standing were terminated, new causes of quarrel that sprung up like hydra's heads were settled, and peace was preserved upon honorable terms. The British government, fresh from the conquest of China, perhaps never felt itself stronger than in the year 1842, and a full share of credit is due to the spirit of conciliation which swayed its counsels. Much is due to the wise and amiable minister who was despatched from England on the holy errand of peace; much to the patriotism of the Senate of the United States, who confirmed the treaty of Washington by a larger majority than ever before sustained a measure of this kind which divided public opinion; but the first meed of praise is unquestionably due to the American negotiator. Let the just measure of that praise be estimated, by reflecting what would have been our condition during those exciting years, if, instead of, or in addition to, the war with Mexico, we had been involved in a war with Great Britain.

CHAPTER IX

Mr. Webster resigns his Place in Mr. Tyler's Cabinet.—Supports Mr. Clay's Nomination for the Presidency.—Mr. Webster returns to the Senate.—Admission of Texas to the Union.—The War with Mexico.—Settlement of the Oregon Controversy.—Revival of the Sub-Treasury System and Repeal of the Tariff Law of 1842.—Southern Tour.—Efforts in Congress to organize a Territorial Government for the Provinces gained from Mexico.—Nomination of General Taylor for the Presidency.—Constitution adopted by California prohibiting Slavery.—Increase of Anti-slavery Agitation.—Mr. Webster's "Seventh of March Speech" for the Union.—General Taylor's Death, and the Accession of Mr. Fillmore to the Presidency.—Mr. Webster called to the Department of State.

Mr. Webster remained in the Department of State but a little over two years. His last act was the preparation of the instructions of Mr. Cushing, who had been appointed Commissioner to China. Difficulties had occurred the summer before, between President Tyler and some of the members of his Cabinet, and all of those gentlemen, with the exception of Mr. Webster, tendered their resignations, which were accepted. Hard thoughts were entertained of Mr. Webster in some quarters for continuing to hold his seat after the resignation of his colleagues. President Tyler, however, had in no degree withdrawn his confidence from Mr. Webster

in reference to the foreign affairs of the country, nor interfered with the administration of his department, and Mr. Webster conceived that the interests involved in his remaining at his post were far too important to be sacrificed to punctilio. His own sense of duty in this respect was confirmed by the unanimous counsel of the Massachusetts delegation in Congress, and by judicious friends in all parts of the country. In fact, it will be remembered that when difficulties sprung up between Mr. Tyler and the Whig party in Congress, in 1842, the Whig press generally throughout the country called upon the members of the Cabinet appointed by General Harrison to retain their places till they should be removed by Mr. Tyler.

Mr. Webster remained in private life during the residue of President Tyler's administration, occupied as usual with professional pursuits, and enjoying in the appropriate seasons the retirement of his farm. He endeavored by private communications to arouse the feeling of the North to the projects which he perceived to be in agitation for the annexation of Texas, but the danger was regarded at that time as too remote to be contended against. A short time only elapsed before the fulfilment of his anticipations was forced upon the country, with fearful urgency, and a train of consequences of which it was left to posterity to witness the full development. Between the years 1843 and 1845 the fortunes of the United States were subjected to an influence, for good or for evil, not to be exhausted for centuries.

The nomination of Mr. Clay to the Presidency in

1844 was cordially supported by Mr. Webster. He took the field, as in the summer of 1840 in favor of General Harrison.

It is well known that the result of this election was decisive of the question of the annexation of Texas. The opinions expressed by Mr. Van Buren against the immediate consummation of that project had prevented his receiving the nomination of the Baltimore Convention. Mr. Clay was pledged against the measure, and Mr. Polk was selected as its sure friend.

At the first session of the Twenty-ninth Congress (1845-46), Mr. Webster took his seat as the successor of Mr. Choate in the Senate of the United States. The question of the admission of Texas was decided at the very commencement of the session. It was opposed by Mr. Webster. To all the other objections to the measure in his mind was added that of unconstitutionality. The annexation was now brought about simply by a joint resolution of the two houses, after it had been found impossible to effect it by treaty, the only form known to the Constitution by which a compact can be entered into with a foreign power. Mr. Jefferson was of opinion in 1803, that even a treaty with France was not sufficient for the annexation of Louisiana, but that an amendment of the Constitution was necessary for that purpose. In 1845 the Executive and a majority of Congress, having failed to carry the ratification of a treaty of annexation by the constitutional majority, scrupled not to accomplish their purpose by a joint resolution of the two houses; and this measure

was effected under the lead of statesmen who claim to construe the Constitution with literal strictness. Events like these furnish a painful illustration of the frailty of constitutional restraints as a barrier against the consummation of the favorite measures of a dominant party.

The great event of the administration of President Polk was the war with Mexico.

The proffered annexation of Texas had been declined both by General Jackson and Mr. Van Buren, on the ground that, unless made with the consent of Mexico, it would involve a war with that power. That this would be the effect was not less certain on the 2d of December, 1845, when Congress were congratulated on the "bloodless" acquisition, than it was when, on the 13th of January following, General Taylor was instructed to occupy the left bank of the Rio del Norte. In fact, in the very message in which President Polk remarks to Congress "that the sword had had no part in the victory," he gives them also the significant information, that, upon the earnest appeal both of the Congress and convention of Texas, he had ordered "an efficient military force to take a position between the Nueces and the Del Norte."

This force, however efficient in proportion to its numbers and in virtue of the gallantry and skill of its commander, was found to be inadequate to sustain the brunt of the Mexican arms. Rapid movements on the part of Generals Ampudia and Arista, commanding on the frontier, seriously endangered the safety of General Taylor's force, and it became

necessary for Congress to strengthen it by prompt reinforcements. In this way the war was commenced. No formal declaration had taken place, nor had it been in the power of Congress to make known its will on the subject, till an absolute necessity arose of reinforcing General Taylor, and the subject had ceased to be one for legislative discretion.

Under these circumstances it was of course impossible for Mr. Webster to approve the war. It had been brought on by the Executive will, and without the concurrence of Congress till Congress had ceased to have an option, and its well-known ulterior objects were such as he could not but contemplate with equal disapprobation and alarm. Still, however, in common with the body of his political friends, in and out of Congress, he abstained from all factious opposition, and all measures calculated to embarrass the government. The supplies were voted for by him, but he never ceased to urge upon the President to pursue a magnanimous policy toward the distracted and misgoverned country with which he had been brought in collision. Nothing but the most deplorable infatuation could have led the government of Mexico to suppose, that, after the independence of Texas had been recognized by the United States, Great Britain, France, and Belgium, it would be possible for a power as feeble as that of Mexico to reduce the rebellious province to submission.

The settlement of the controversy with England relative to the boundary of Oregon was effected in

the first year of Mr. Polk's administration. The foundations for this adjustment had long been laid; in fact, as long ago as the administration of Mr. Monroe, the United States had offered to England the obvious basis of the extension of the forty-ninth degree of latitude to the Pacific. Great Britain allowed herself to be influenced by the Hudson's Bay Company so far, as to insist upon following the course of the Columbia down to the sea. She even took the extravagant ground that, although the United States, by the Louisiana and Florida treaties, combined the Spanish and the French titles with that of actual contiguity and prior discovery of the Columbia River, they had no exclusive title to *any* portion of the territory, but that it was all subject to her own joint and rival claim. This unreasonable pretension brought the two countries to the verge of war. The Baltimore Convention, in the year 1844, set up a claim, equally unreasonable, to the whole of the territory. President Polk in his inaugural message, quoting the words of the resolution of the Baltimore Convention, pronounced our title to the territory to be "clear and unquestionable."

The assertion of these opposite extremes of pretension happily resulted in the final adjustment on the forty-ninth degree. Mr. Webster had uniformly been of opinion that this was the fair basis of settlement. Had he supposed that an arrangement could have been effected on this basis with Lord Ashburton, he would gladly have included it in the treaty of Washington. After Mr. Webster's retirement from

the Department of State, it is stated by President Polk that Mr. Upshur instructed Mr. Everett to offer that line to the British government; but the negotiation had in the mean time, by the appointment of Mr. Pakenham, been transferred to Washington. The offer of the forty-ninth degree of latitude was renewed to Mr. Pakenham, but accompanied with conditions which led him to decline it, and to express the hope that the United States would make "some further proposal for the settlement of the Oregon question more consistent with fairness and equity, and with the reasonable expectations of the British government." The offer thus injudiciously rejected was withdrawn by the administration. In this dangerous juncture of affairs the following incidents occurred, which we give in the words of the *London Examiner:*

"In reply to a question put to him in reference to the present war establishments of this country, and the propriety of applying the principle of arbitration in the settlement of disputes arising among nations, Mr. McGregor, one of the candidates for the representation of Glasgow, took occasion to narrate the following very important and remarkable anecdote in connection with our recent, but now happily terminated differences with the United States on the Oregon question. At the time our ambassador at Washington, the Hon. Mr. Pakenham, refused to negotiate on the forty-ninth parallel of north latitude as the basis of a treaty, and when by that refusal the danger of a rupture between Great Britain and America became really imminent, Mr. Daniel Webster, formerly Secretary of State to the American government, wrote a letter to Mr. McGregor, in which he strongly deprecated Mr. Pakenham's conduct, which, if persisted in and adopted at home, would, to a certainty, embroil the two countries, and suggested an equitable compromise, taking the forty-ninth parallel as the basis of an

adjustment. Mr. McGregor agreeing entirely with Mr. Webster in the propriety of a mutual giving and taking to avoid a rupture, and the more especially as the whole territory in dispute was not worth £20,000 to either power, while the preparations alone for a war would cost a great deal more before the parties could come into actual conflict, communicated the contents of Mr. Webster's letter to Lord John Russell, who at the time was living in the neighborhood of Edinburgh, and, in reply, received a letter from Lord John, in which he stated his entire accordance with the proposal recommended by Mr. Webster, and approved of by Mr. McGregor, and requested the latter, as he (Lord John) was not in a position to do it himself, to intimate his opinion to Lord Aberdeen. Mr. McGregor, through Lord Canning, Under-Secretary for the Foreign Department, did so, and the result was, that the first packet that left England carried out to America the proposal, in accordance with the communication already referred to, on which the treaty of Oregon was happily concluded. Mr. McGregor may, therefore, be very justly said to have been the instrument of preserving the peace of the world; and, for that alone, even if he had no other services to appeal to, he has justly earned the applause and admiration, not of his own countrymen only, but of all men who desire to promote the best interests of the human race."

Without wishing to detract in any degree from the praise due to Mr. McGregor for his judicious and liberal conduct on this occasion, the credit of the main result is exclusively due to his American correspondent. A powerful influence was ascribed also to an able article in the *Edinburgh Review* for April, 1845, in which the reasonableness of this basis of settlement was set forth with great ability.

The first session of the Twenty-ninth Congress was signalized by the revival of the sub-treasury system, and the overthrow of the tariff of 1842. At a moment when the public finances were, in ref-

erence to the means of collection, custody, and transfer, in a sound and healthy condition, the administration deemed it expedient to subject the country and the treasury to the hazard and inconvenience of a change. Mr. Webster spoke with equal earnestness and power against the renewal of experiments which had already proved so disastrous; but the bill was carried by a party vote. The same success attended the President's recommendation of an entire change in the revenue system, by which, instead of specific duties, *ad valorem* duties were to be assessed on the foreign valuation. Various other changes were made in the tariff established in 1842, equally tending to depress our own manufactures, and to give a preference to foreign over native labor, and this even in cases where no benefit could be expected to accrue to the treasury from the change. Mr. Webster made a truly Herculean effort against the government project, in his speech of the 25th and 26th of July, 1846, but the decree had gone forth. The scale was turned by the Senators from the new State of Texas, which had been brought into the Union by the votes of members of Congress whose constituents had the deepest interest in sustaining the tariff of 1842.

In the spring of 1847, after the adjournment of Congress, Mr. Webster undertook a tour to the South. His object was to pass by the way of the Atlantic States to New Orleans, and to ascend the Mississippi. He had never seen that part of the Union, and promised himself equal gratification and instruction from an opportunity, however brief, of

personal inspection. He was ever of opinion that higher motives than those of curiosity and recreation should lead the citizens of different parts of the country to the interchange of visits of this kind. That they had become so much less frequent than they were in former years he regarded as one of the inauspicious features of the times. He was accompanied on this excursion by his family. They passed hastily through Virginia and North Carolina to South Carolina. At Charleston he was received with the most distinguished attention and cordiality. He was welcomed on his arrival by an assemblage of the most respectable citizens. Entertainments were given him by the New England Society of Charleston and by the Charleston Bar. At these festivals the sentiments and speeches were of the most cordial description. Similar hospitalities and honors were paid him at Columbia, Augusta, and Savannah. No trace of sectional or party feeling detracted from the warmth of his reception. His visit was everywhere regarded as an interesting public event. Unhappily, his health failed him on his arrival at Savannah; and the advance of the season made it impossible for him to execute the original project of a journey to New Orleans. He was compelled to hasten back to the North.

Meantime events of higher importance were in progress. Success crowned our arms in the Mexican war. The military skill, gallantry, and indomitable resolution of the great captains to whom the chief command of the war had been committed (though not by the first choice of the administra-

tion), aided by the spirit and discipline of the troops, achieved the conquest of Mexico. Peace was dictated to her from Washington, and a treaty concluded, by which extensive portions of her territory, comprising the province of New Mexico and a considerable part of California, were ceded to the United States. Mr. Webster, foreseeing that these cessions would prove a Pandora's box of discord and strife between the different sections of the Union, voted against the ratification of the treaty. He was sustained in this course by some Southern Whig Senators, but the constitutional majority deemed any treaty better than the continuation of the war.

With the restoration of peace, the question what should be done with the territories presented itself with alarming prominence. Formidable under any circumstances, it became doubly so in consequence of the discovery of gold in California, and the prodigious rush to that quarter of adventurers from every part of the world. Population flocked into and took possession of the country, its ancient political organization, feeble at best, was subverted, and the immediate action of Congress was necessary to prevent a state of anarchy. The House of Representatives passed a bill providing for the organization of a territorial government for the provinces newly acquired from Mexico, with the anti-slavery proviso, borrowed from the Ordinance of 1787. This bill failed to pass the Senate, and nothing was done at the first session of the Thirtieth Congress to meet the existing emergency in California.

In consequence of months of disagreement be-

tween the Houses of Congress as to the provinces recently acquired from Mexico, all provision for the territories was sacrificed; but a bill which had previously passed the House, extending the revenue laws of the United States to California, was passed by the Senate, and rescued the people of California from an entire destitution of government on behalf of the United States. The Senate on this occasion was, for the first time since the adoption of the Constitution, on the verge of disorganization; and it was felt throughout the day and night, that it was saved from falling into that condition mainly by the parliamentary tact and personal influence of Mr. Webster. This tribute was paid to Mr. Webster's arduous exertions on that occasion by a member of Congress warmly opposed to him.

Not the least important consequence of the Mexican war was the political revolution in the United States of which it was the cause. When the policy of invading and conquering Mexico was determined upon, it was probably regarded by the administration as a measure calculated to strengthen their party. Opponents were likely to expose themselves to odium by disapproving the war. The commanding generals were both Whigs, and one of them had been named as a candidate for the Presidency. It was probably thought that, if they succeeded, the glory would accrue to the administration; if they failed, the discredit would fall upon themselves.

If anticipations like these were formed, they were signally disappointed. A series of the most brilliant triumphs crowned the arms both of General

Taylor and General Scott. Those of General Taylor were first in time; and as they had been preceded by doubts, anxieties, and, in the case of Buena Vista, by rumors of disaster, they took the stronger hold of the public mind. The nomination for the Presidency was not reserved for the Whig convention. It was in effect made at Palo Alto and Monterey, and was confirmed at Buena Vista. It was a movement of the people to which resistance was in vain.

Statesmen and civilians, however, might well pause for a moment. The late experience of the country, under a President elected in consequence of military popularity, was not favorable to a repetition of the experiment; and General Taylor was wholly unknown in political life. At the Whig convention in Philadelphia other distinguished Whigs, General Scott, Mr. Clay, and Mr. Webster, had divided the votes with General Taylor. He was, however, selected by a great majority as the candidate of the party. Mr. Webster took the view of this nomination which might have been expected from a veteran statesman and a civilian of forty years' experience in the service of the country. He had, in common with the whole Whig party, in General Jackson's case, opposed the nomination of a military chieftain.

On his accession to the Presidency, however, General Taylor found Mr. Webster disposed and prepared to give his administration a cordial and efficient support.

In the summer and autumn of 1849 events of the utmost importance occurred in California. The

people of that region, left almost entirely without a government by Congress, met in convention to form a constitution; and although nearly half of the members who were new-comers were from the Southern States, they unanimously agreed to the prohibition of slavery. The constitution prepared by the convention was accepted by the people, and with it they applied for admission to the Union.

Other occurrences, however, had in the meantime taken place, which materially increased the difficulties attending the territorial question. The subject of slavery had for fifteen or twenty years been agitated with steadily increasing warmth, and for the latter portion of the period with growing violence. On the acquisition of the Mexican provinces, the representatives of the non-slaveholding States generally deemed it their duty to introduce into the acts passed for their government a restriction analogous to the anti-slavery proviso of the Ordinance of 1787. A motion to this effect having been made by Mr. Wilmot of Pennsylvania, by way of amendment to one of the appropriation bills passed during the war, the restriction has obtained the name of the "Wilmot Proviso." This motion in the House of Representatives was extensively seconded by the press, by popular assemblies, and by legislative resolutions throughout the non-slaveholding States, and caused a considerable increase of anti-slavery agitation.

The South, of course, took an interest in the question not inferior to that of the North. The extension of the United States on the southwestern frontier had long been a cardinal point in the policy of

most Southern statesmen. The application of an anti-slavery proviso to territories acquired by conquest in that quarter came into direct conflict with this policy. Meetings were accordingly held at Washington during the first session of the Thirtieth Congress, attended by a majority of the members from the slaveholding States, to take into consideration the measures proper to be adopted. At one of these meetings a sub-committee was appointed, of which Mr. Calhoun was chairman, to prepare an address "of the Southern delegates to their constituents." At a subsequent meeting a substitute for this address was submitted to Mr. Berrien of Georgia, under the title of an address "to the people of the United States." The original paper was, however, adopted in preference, and received the signatures of forty-eight of the members of Congress from the slaveholding States. Of these all but two were of the Democratic party.

These proceedings contributed materially to increase the discontents existing at the South. Nor was the progress of excitement less rapid at the North. The nomination of General Taylor by the Whig convention, accompanied by the refusal of that convention to countenance the Wilmot Proviso, led to the organization of the Free Soil party in the non-slaveholding States. In the summer of 1848, a convention of delegates of this party assembled at Buffalo in New York, at which an anti-slavery platform was adopted, and Mr. Van Buren was nominated as a candidate for the Presidency.

These occurrences and the state of feeling which

they created, or indicated, appeared to Mr. Webster to constitute a crisis in the condition of the country of a most formidable description. Opinion at the North and South had, in his judgment, either reached, or was rapidly reaching, a point at which the coöperation of the two sections of the country in carrying on the government as coequal members of the Federal Union would cease to be practicable. The constitutional opinions and the views on the subject of slavery set forth in Mr. Calhoun's address he deemed to be such as could never be acquiesced in by the non-slaveholding States. On the other hand, the organization of a party on the basis of anti-slavery agitation at the North appeared to him equally menacing to the Union. The professions of attachment to the Union and the Constitution made on both sides, and often, no doubt, in entire good faith, did but increase the danger, by their tendency to produce misapprehension and self-deception as to the really irreconcilable nature of the opposite extremes of opinion.

It was his profound and anxious sense of the dangers of the Union, in this crisis of affairs, which reconciled Mr. Webster to the nomination of General Taylor. He saw in his position as a citizen of a Southern State and a slaveholder the basis of support to his administration from that quarter of the Union; while his connection with the Whig party, the known moderation of his views, with his declared sentiments on the subject of the Presidential veto, were a sufficient ground for the confidence of the North. In fact, in the existing state of things, it

was soon apparent that there was no other candidate of either party so well calculated to allay sectional differences, and guide the vessel of state over the stormy sea of excitement and agitation.

But whatever reliance might justly have been placed upon the character and disposition of General Taylor, the prospect of affairs was sufficiently dark and inauspicious. Thoughtful persons looked forward to a struggle on the territorial question, at the first session of the Thirty-first Congress, which would convulse the country. In this state of things the event which we have already alluded to took place, and California presented herself for admission as a State, with a constitution prohibiting slavery. As California was the only portion of the Mexican territory in reference to which the question was of practical importance, Mr. Webster derived from this unexpected and seasonable occurrence a gleam of hope. It removed a topic of controversy in reference to which it had seemed hopeless to propose any terms of compromise; and it opened as it were providentially, the door for an understanding on other points, on the basis of carrying into execution existing compacts and constitutional provisions on the one hand, and not strenuously insisting, on the other hand, upon applying the anti-slavery proviso where, as in Utah and New Mexico, he was persuaded it could be of no practical importance.

On these principles, and with this object in view, Mr. Webster made his great speech of the 7th of March, 1850.

It would be too much to expect, in reference to a

subject of so much difficulty, and one on which the public mind has been so greatly excited, that a speech of this description should find universal favor in any part of the country. It is believed, however, that by the majority of patriotic and reflecting citizens in every part of the United States, while on single topics there may be differences of opinion, it has been regarded as holding out a practical basis for the adjustment of controversies, which had already gone far to dissolve the Union, and could not be much longer pursued without producing that result. If those who have most strongly expressed their dissent from the doctrines of the speech (we do not, of course, allude to the mere clamor of political or personal enemies) had paused from the work of denunciation, and make the attempt themselves to lay down *a practicable platform* on which this great controversy could in fact be settled, and the union of the States perpetuated, they would not find it so hard to censure what is done by others as to do better themselves. It was quite easy to construct a Southern platform or a Northern platform; the difficulty was to find a basis on which South and North will be able and *willing* to stand together. Of all those who have condemned the views of Mr. Webster, who has gone further than he, in the speech of the 7th of March, 1850, to furnish such a basis? Or rather, we may ask, who of those that have been loudest in condemnation of his course has taken a single step toward effecting this paramount object?

Mr. Webster's thoughts are known to have been earnestly and profoundly employed on this subject

from the commencement of the session. He saw beforehand the difficulties and the dangers incident to the step which he adopted, but he believed that, unless some such step was taken in the North, the separation of the States was inevitable. The known state of opinion of leading members of Congress led him to look for little support from them. He opened the matter to some of his political friends, but they did not encourage him in the course he felt bound to pursue. He found that he could not expect the co-operation of the members of Congress from his own State, nor that of many of the members from the other Northern States. He gave up all attempt to rally beforehand a party which would sustain him. His own description of his feelings at the time was, "that he had made up his mind to embark alone on what he was aware would prove a stormy sea, because, in that case, should final disaster ensue, there would be but one life lost." But he believed that the step which he was about to take would be sanctioned by the mass of the people, and in that reliance he went forward.

While the compromise measures were still undecided before Congress, about midsummer of 1850, President Taylor was removed from his high office by death. In the reorganization of the Executive occasioned by this event, Mr. Webster, to the general satisfaction of the country, was placed by President Fillmore at the head of the administration, as the Secretary of State.

At this point—with the exception of an eloquent

eulogy of his friend as an unselfish citizen and a great statesman—ends Mr. Everett's biographical memoir of Daniel Webster. Writing as he did while Mr. Webster was still living (the memoir being prefatory to an edition of the great man's Works). Mr. Everett's sense of delicacy prevented his mention of one notable element of Mr. Webster's life, his honorable ambition for the Presidency.

In 1848, the general feeling of his friends was that he would receive the Whig nomination; but the popularity of General Zachary Taylor, the hero of the Mexican War, effected the nomination and election of that officer. In 1850, during the debates on Clay's Compromise measures, Mr. Webster delivered his famous "Seventh of March" speech, alluded to above. His ardent belief in the Union, dread of civil war—which he felt to be approaching unless it could be prevented by conciliation and horror of secession—against which that speech contained a thrillingly powerful appeal, led him to urge the Compromise, and even to justify the Fugitive Slave bill which was a part of it. The anti-slavery sentiment of the North violently repudiated this, as a bid for Southern Whig favor; but most unjustly in the case of this man, who had never swerved from principle for personal profit. In 1852, however, after his successful service as the head of Mr. Tyler's cabinet (following President Taylor's death in 1850), Mr. Webster's friends again looked for his nomination; but he was not forgiven, and the honor went to General Scott.

In May of that year, Mr. Webster was seriously

injured in a carriage accident at his farm in Marshfield, Mass., and the effects of this, of his forty years of laborious public service, and of the rapid advance of some chronic ailments—perhaps, too, the mortification of disappointment at being misjudged and at missing the crowning ambition of his life—swiftly undermined his health. He died at Marshfield, October 24, 1852, at seventy years of age.

Dr. John Lord, in his "Beacon Lights of History," has well summed up Webster's character. Recognizing his defects, he adds: "But these were overbalanced by the warmth of his affection for his faithful friends, simplicity of manners and of taste, courteous treatment of opponents, dignity of character, kindness to the poor, hospitality, enjoyment of rural scenes and sports, profound religious instincts, devotion to what he deemed the welfare of his country, independence of opinions and boldness in asserting them at any hazard and against all opposition, and unbounded contempt of all shams and tricks. . . . His fame will spread, and grow wider and greater, like that of Bacon and Burke, and of other benefactors of mankind; and his ideas will not pass away until the glorious fabric of American institutions, whose foundations were laid by God-fearing people, shall be utterly destroyed, and the Capitol where his noblest efforts were made shall become a mass of broken and prostrate columns beneath the débris of the nation's ruin."

THE

LIFE AND PUBLIC SERVICES

OF

HENRY CLAY

DOWN TO 1848.

By EPES SARGENT

EDITED AND COMPLETED AT MR. CLAY'S DEATH

By HORACE GREELEY

BRIDGED AND EDITED FOR THIS SERIES

By JOHN R. HOWARD

EDITOR'S PREFACE

One of the active literary men of the middle years of the nineteenth century was Epes Sargent (1813-1880), a journalist, dramatist, magazine-writer, book-editor, and withal, in politics, an ardent Whig. In 1842, when Henry Clay was prominent as a candidate for the presidency of the United States, Mr. Sargent wrote a narrative of his life; in 1848, on a similar occasion, it was reissued in revised form; and after Mr. Clay's death, in 1852, Horace Greeley, the founder and great editor of the New York *Tribune,* still further revised it, brought it down to that date, and published it again. The Memoir, therefore, has a notable fathering; and it is a book worthy of note.

In accuracy and fulness, in patriotic and political and personal enthusiasm, in honest attempt to give Mr. Clay's own reasons for his acts and—it must be admitted—to claim for him a very striking share of credit for the successful things that were done or begun during his public career, there can be no complaint of deficiency. Indeed, so full was the completed work—with following the fortunes of special measures in Congress, with enumerations of votes in public elections and legislative action, with complications of altercation involving other public men, with

letters and speeches and newspaper comment and numberless matters, which are now of no concern except to one who is studying the man and the period in detail—that for the present object, the presentation of a brief, true, interesting Memoir, it was necessary to abridge it by omitting those matters. The attempt has been made to do this without sacrificing either the full truth or the personal spirit of the narrative.

No one will conceive that Horace Greeley could edit or write anything that was not brimful of his own convictions; so that any reader of this biography will expect to find Henry Clay set forth especially as the father of the "American system of protection" by means of a tariff on foreign importations—nor will he be disappointed. It may be doubted whether Mr. Clay would recognize his own child at present, but, in Kipling's phrase, "That's another story." Mr. Clay was one of the great trio who made the halls of the United States Senate famous the world around, for masterly eloquence upon themes of vital national concern; and this Memoir presents him with graphic truth.

INTRODUCTION

SEVERAL sketches, more or less elaborate, of the character and career of Henry Clay, appeared during his lifetime, oftener prefixed to collections of his Speeches; though one independent Memoir, of decided merit, was written more than twenty years since by George D. Prentice, Editor of the *Louisville Journal,* and then widely disseminated. That, however, has long been out of print, while the more eventful and memorable half of Mr. Clay's biography was yet in the future when Mr. Prentice wrote. And I have reason to believe that Mr. Clay himself gave the preference, among all the narratives of his life which had fallen under his notice, to that of Epes Sargent, first issued in 1842, and republished, with its author's revisions and additions, in the summer of 1848. . . .

We Americans of 1852—nearly all of us who read or think, with many who do neither—are the heated partisans or embittered opponents of Mr. Clay—with him or against him, idolizing or detesting him, we have struggled through all the past decades of our manhood. He has been our demigod or demon through the last quarter of a century, while many of us date our admiration or our hostility from the year 1812. If, then, we can but preserve and intelligibly

present the facts essential to a just estimate of Mr. Clay's character, we may very properly remit to the next generation the duty of analyzing those facts, and determining what manner of man was the Orator of Ashland whose voice enchained and wielded listening Senates, and whose weaponless hand was mightier than the truncheon of generals, or the sceptre of monarchs. It is at least the duty of his surviving friends to take care that he be not misrepresented to and undervalued by posterity because the facts essential to his true appreciation were not seasonably collected and fitly set forth.

This, then, is the aim and end of the work herewith submitted—a candid presentation of the facts essential to a just estimate of Mr. Clay's Life and Public Services, from the point of view whence they were regarded by his devoted, unselfish compatriots and friends. If he has been overestimated, if the system of Public Policy which he so long and ably advocated be mistaken and unsound, time will so determine. Should the ultimate verdict be—as I think it cannot—adverse to his eminence as a Statesman, it need not therefore blast his reputation as a Man. That he was a sincere and ardent Patriot, an earnest though unpretending Philanthropist, a beloved Husband and Father, a kind and just Neighbor, a chivalrous Adversary, and an unfailing Friend—these are no longer doubtful. So much, at least, is secure from the venom of calumny and the accidents of fortune. Let some future Plutarch or Thucydides fix and declare the world's ultimate verdict on the American System and its Father; but we, who knew and loved

him well, may more truly and vividly, even though awkwardly and feebly, depict how looked and felt, how spoke and acted, how lived and loved, the man Henry Clay.

The Editor, in revising the work of Mr. Sargent, has taken the responsibility of omitting or modifying some passages which involved harsh judgments of those Political brethren who, at one time or another, have seen fit to prefer some other Whig to Mr. Clay as a candidate for the Presidency. He did not perceive that those judgments bore any proper relation to Mr. Clay's character or career, while their reproduction would tend to revive feuds and heart-burnings now rapidly laid to rest. . . .

H. G.

LIFE OF HENRY CLAY

CHAPTER I

Youth and Early Manhood.

Henry Clay was a native of Hanover County, Virginia. He was born on the 12th of April, 1777, in a district of country familiarly known in the neighborhood as the *Slashes*. His father, a Baptist clergyman, died during the Revolutionary War, bequeathing a small and much-embarrassed estate and seven children, of whom Henry was the fifth, to the care of an affectionate mother. The surviving parent did not possess the means to give her sons a classical education; and the subject of our memoir received no other instruction than such as could be obtained in the log-cabin school-houses, still common in the lower parts of Virginia, at which spelling, reading, writing, and arithmetic, are taught.

In 1792, his mother, who had become united, in a second marriage, with Mr. Henry Watkins, removed to Woodford County, Kentucky, taking all her children, with the exception of Henry and his oldest brother. It was always a subject of regret with Mr. Clay, that he was deprived at so early an age of his

mother's counsel, conversation, and care. She was a woman of great strength of mind, and was tenderly attached to her children.

He had been only five years old when he lost his father; and, consequently, his circumstances in early life, if not actually indigent, were such as to subject him frequently to hard manual labor. He has ploughed in cornfields, many a summer-day, without shoes, and with no other clothes on than a pair of Osnaburg trousers, and a coarse shirt. He has often gone to mill with grain to be ground into meal or flour; and there are those who remember his youthful visits to Mrs. Darricott's mill, on the Pamunkey River.

At the age of fourteen, he was placed in a small retail store, kept by Mr. Richard Denny, near the market-house in the city of Richmond. He remained here till the next year (1792), when he was transferred to the office of the clerk of the high court of chancery, Mr. Peter Tinsley. There he became acquainted with the venerable Chancellor Wythe, attracted his friendly attention, and enjoyed the benefit of his instruction and conversation. The chancellor being unable to write well, in consequence of the gout or rheumatism in his right thumb, bethought himself of employing his young friend as an amanuensis. This was a fortunate circumstance for the fatherless boy. His attention was thus called to the structure of sentences, as he wrote them down from the dictation of his employer; and a taste for the study of grammar was created which was noticed and encouraged by the chancellor, upon whose recommendation

he read Harris's "Hermes," Tooke's "Diversions of Purley," Bishop Lowth's Grammar, and other similar works.

For his handwriting, which was remarkably neat and regular, Mr. Clay was chiefly indebted to Mr. Tinsley. Chancellor Wythe was devoted to the study of Greek. He was at one time occupied in preparing reports of his decisions, and commenting upon those of the court of appeals, by which some of his were reversed; and in this work he was assisted by his amanuensis. After the reports were published, he sent copies to Mr. Jefferson, John Adams, Samuel Adams, and others. In these copies he employed Henry Clay to copy particular passages from Greek authors, to whom references had been made. Not understanding a single Greek character, the young copyist had to transcribe by imitation letter after letter.

Leaving the office of Mr. Tinsley the latter part of 1796, he went to reside with the late Robert Brooke, Esq., the attorney-general, formerly governor of Virginia. His only regular study of the law was during the year 1797, that he lived with Mr. Brooke; but it was impossible that he should not, in the daily scenes he witnessed, and in the presence of the eminent men whom he so often heard and saw, be in the way of gathering much valuable legal information. During his residence of six or seven years in Richmond, he became acquainted with all or most of the eminent Virginians of the period, who lived in that city, or were in the habit of resorting to it.

Henry Clay quitted Richmond in November, 1797,

his eldest brother having died while he yet resided in that city. Bearing a license from the judges of the Virginia court of appeals to practise law, he established himself in Lexington, Kentucky. He was without patrons, without the countenance of influential friends, and destitute of the means of paying his weekly board.

Before assuming the active responsibilities of his profession he devoted himself with assiduity several months to his legal studies. Even at that period the bar of Lexington was eminent for its ability. But true genius is rarely unaccompanied by a consciousness of its power; and the friendless and unknown youth from Virginia fearlessly entered the field, which, to a less intrepid spirit, would have seemed preoccupied. He soon commanded consideration and respect. He was familiar with the technicalities of practice; and early habits of business and application enabled him to effect an easy mastery of the cases intrusted to his charge. His subtle appreciation of character, knowledge of human nature, and faculties of persuasion, rendered him peculiarly successful in his appeals to a jury; and he obtained great celebrity for his adroit and careful management of criminal cases.

He was admitted as a practitioner before the Fayette court of quarter sessions, a court of general jurisdiction. Business soon poured in upon him, and during the first term he had a handsome practice. His manners and address, both in personal intercourse and before a jury, were unusually captivating.

He gained much distinction by the ability he dis-

played in a notable murder case, and thenceforth it was considered a great object to enlist his assistance in all criminal pursuits on the part of the defendant.

Notwithstanding his extraordinary success in all the criminal suits intrusted to him, the abilities displayed by Mr. Clay at this period in civil cases were no less brilliant and triumphant. In suits growing out of the land laws of Virginia and Kentucky, he was especially distinguished; rapidly acquiring wealth and popularity by his practice.

As early as 1797, when the people of Kentucky were about electing a convention to form a new constitution for that State, Mr. Clay may be said to have commenced his political career. His first efforts were made on behalf of human liberty, and at the risk of losing that breeze of popular favor, which was wafting on his barque bravely toward the haven of worldly prosperity and renown.

The most important feature in the plan for a new constitution, submitted to the people of Kentucky, was a provision for the prospective eradication of slavery from the State by means of a gradual emancipation of those held in bondage. Against this proposal a tremendous outcry was at once raised. It was not to be questioned that the voice of the majority was vehemently opposed to it. But young Clay did not hesitate as to his course. In that spirit of self-sacrifice, which he displayed on so many occasions, in great public emergencies, without stopping to reckon the disadvantages to himself, he boldly arrayed himself on the side of those friendly to emancipation. He failed in the fulfilment of his

philanthropic intentions, and incurred temporary unpopularity by his course.

Mr. Clay thought with many others, that, as the slave States had severally the right to judge, every one exclusively for itself, in respect to the institution of domestic slavery, the proportion of slaves to the white population in Kentucky at that time was so inconsiderable, that a system of gradual emancipation might have been adopted without any hazard to the security and interests of the commonwealth.

During the administration of John Adams, 1798-99, the famous alien and sedition laws were passed. The popular opposition with which these extraordinary measures were received, is still vividly remembered in the United States. By the "alien law," the President was authorized to order any alien, whom "he should judge dangerous to the peace and safety" of the country, "to depart out of the territory within such time" as he should judge proper, upon penalty of being "imprisoned for a term not exceeding three years," &c.

The "sedition law" was designed to punish the abuse of speech and of the press. It imposed a heavy pecuniary fine, and imprisonment for a term of years, upon such as should combine or conspire together to oppose any measure of government: upon such as should write, print, utter, publish, &c., "any false, scandalous and malicious writing against the government of the United States or the President," &c.

Mr. Clay stood forth one of the earliest champions of popular rights in opposition to these memorable laws. Kentucky was one of the first States that

launched their thunders against them; and though many speakers came forward to give expression to the indignation which was swelling in the public heart, none succeeded so well in striking the responsive chord as our young lawyer. He was soon regarded as the leading spirit of the opposition party; and it was about this time that the title of "The Great Commoner" was bestowed upon him.

Four years afterward, when Mr. Clay was absent from the county of Fayette, he was brought forward, without his knowledge or previous consent, as a candidate, and elected to the general assembly of Kentucky. He soon made his influence felt in that body.

In the autumn of 1806, the celebrated Aaron Burr was arrested in Kentucky, on a charge of being engaged in an illegal warlike enterprise. The sagacity and penetration of that extraordinary man were never more clearly evinced than in his application to Mr. Clay to defend him. Mr. Clay believed, and it was generally believed in Kentucky, that the prosecution was groundless, and was instituted by Colonel Daviess, who was a great admirer of Colonel Hamilton, and who disliked Burr, because he had killed Hamilton in a duel, and was, moreover, his opponent in politics. Mr. Clay felt a lively sympathy for Colonel Burr, on account of his being arrested in a State distant from his own, on account of his misfortunes, and the distinguished stations he had filled. Still he declined appearing for him, until Burr gave him written assurances that he was engaged in no enterprise forbidden by law, and none that was not known and approved by the cabinet at Washington.

On receiving these assurances, Mr. Clay appeared for him; and, thinking that Burr ought not to be dealt with as an ordinary culprit, he declined receiving from him any fee, although a liberal one was tendered.

Burr was acquitted. Mr. Clay shortly after proceeded to Washington, and received from Mr. Jefferson an account of the letter in cipher, which had been written by Burr to General Wilkinson, together with other information of the criminal designs of Burr. Mr. Clay handed the written assurances above mentioned, to Mr. Jefferson at the request of the latter.

CHAPTER II

Course in Congress.—1806 to 1812.

On the twenty-ninth of December, 1806, Mr. Clay produced his credentials, and took his seat in the Senate of the United States. He had been elected by the legislature of the State of Kentucky, to fill a vacancy occasioned by the resignation of the Hon. John Adair; and, from the journals of Congress, he seems to have entered at once actively upon the discharge of the duties of his new and exalted position. His first speech was in favor of the erection of a bridge over the Potomac River; and at this period, we perceive the dawning of those views of "internal improvement," which he afterward carried out so ably, and his advocacy of which should alone be sufficient to entitle him to the lasting gratitude of the country.

This speech was soon followed by his presentation of a resolution, advocating the expediency of appropriating a quantity of land toward the opening of the canal proposed to be cut around the rapids of the Ohio, on the Kentucky shore.

A few days afterward, he reported a bill providing for the appointment of commissioners to ascertain the practicability of removing the obstructions in the navigation of the Ohio at the rapids. The following resolution, presented the day of the passage of the bill, shows that Mr. Clay, thus early in his career,

was deeply impressed with the importance of a system of internal improvement. He may truly be called the father of that system which has so incalculably advanced the general prosperity of the Republic:—

"*Resolved,* That the secretary of the treasury be directed to prepare and report to the senate at their next session, a plan for the application of such means as are within the power of Congress, to the purposes of opening roads and making canals: together with a statement of undertakings of that nature, which, as objects of public improvement, may require and deserve the aid of government; and, also, a statement of works, of the nature mentioned, which have been commenced, the progress which has been made in them, and the means and prospect of their being completed; and all such information as, in the opinion of the secretary, shall be material in relation to the objects of this resolution."

The resolution was passed with but three dissenting voices.

Mr. Clay's election to the senate of the United States had been but for the fraction of a term, amounting to a single session. In the summer of 1807 he was again chosen by the citizens of Fayette to represent them in the Kentucky legislature, and at the next session he was elected speaker of the assembly. In this position he did not content himself with faithfully discharging the ordinary duties of a speaker. He entered the arena of debate, and took an active part in most of the important discussions before the House.

In December, 1808, Mr. Clay introduced before the legislature of Kentucky a series of resolutions approving the embargo, denouncing the British or-

ders in council, pledging the coöperation of Kentucky to any measures of opposition to British exaction, upon which the General Government might determine, and declaring that "THOMAS JEFFERSON *is entitled to the thanks of his country for the ability, uprightness, and intelligence which he has displayed in the management both of our foreign relations and domestic concerns.*"

Soon after this event, Mr. Clay introduced a resolution recommending that every member, for the purpose of encouraging the industry of the country, should clothe himself in garments of domestic manufacture. This resolution was at once most emphatically denounced by Mr. Humphrey Marshall, who stigmatized it as the project of a demagogue, and applied a profusion of harsh and ungenerous epithets to the mover. Mr. Clay retorted, and the quarrel went on until it terminated in a hostile encounter. The parties met, and by the first shot Mr. Marshall was slightly wounded. They stood up a second time, and Mr. Clay received a hardly perceptible flesh-wound in the leg. The seconds now interfered, and prevented a continuance of the combat.

Mr. Clay was once again called upon in the course of his political career, by the barbarous exactions of society, to consent to a hostile encounter, but we are confident that no man at heart abominated the custom more sincerely than he. The following passage in relation to this subject occurs in an address, which, in his maturer years, he made to his constituents: "I owe it to the community to say, that whatever heretofore I may have done, or by inevitable circum-

stances might be forced to do, no one holds it in deeper abhorrence than I do that pernicious practice. Condemned as it must be by the judgment and philosophy, to say nothing of the religion, of every thinking man, it is an affair of feeling about which we cannot, although we should, reason. Its true corrective will be found when all shall unite, as all ought to unite, in its unqualified proscription."

In the winter session of Congress, in 1809-10, Mr. Clay took his seat a second time in the Senate of the United States. He had been elected by the legislature by a handsome majority to supply a vacancy occasioned by the resignation of Mr. Buckner Thurston, whose term wanted two years of its completion. From this period the public history of Mr. Clay may be found diffused through the annals of the Union.

The predilections which Mr. Clay had early manifested in behalf of American manufactures and American principles were unequivocally avowed in his first speech before the Senate on being elected a second time to that body as far back as April, 1810. A bill was under discussion appropriating a sum of money for procuring munitions of war, and for other purposes; and an amendment had been proposed, instructing the Secretary of the Navy, to provide supplies of cordage, sail-cloth, hemp, &c., and to give a preference to those of American growth and manufacture. Mr. Lloyd of Massachusetts moved to strike out this part of the amendment; and a discussion arose concerning the general policy of promoting domestic manufactures, in which Mr. Clay boldly declared himself its advocate.

The sentiments avowed thus early in our legislative history by Mr. Clay are now current throughout our vast community; and the "American System," as it has been called, is generally admitted to be not only a patriotic, but a politic system. But let it not be forgotten, that it is to the persevering and unremitted exertions of Henry Clay, that we are indebted for the planting and the cherishing of that goodly tree, under the far-spreading branches of which so many find protection and plenty at the present day.

Mr. Clay's labors during the session appear to have been arduous and diversified—showing on his part unusual versatility, industry, and powers of application. He was placed on several important committees, and seems to have taken part in all discussions of moment.

The third session of the Eleventh Congress commenced on the 3d of December, 1810. Mr. Clay was once more in his seat in the Senate. Many important subjects were discussed by the Senate during the session of 1810-11; and Mr. Clay was in all of them conspicuous. His zeal and efficiency in the public service began to attract the eyes of the whole country. At the expiration of his second fractional term of service in the Senate of the United States, having returned to Kentucky, he was elected a member of the Federal House of Representatives. Congress convened on the day designated by proclamation, the fourth day of November, 1811; and, on the first ballot for Speaker, one hundred and twenty-eight members being present, he was chosen by a majority of thirty-one, over all opposition.

The affairs of the nation were never in a more critical position than at this juncture. The honor of the republic was at stake. A long series of outrages perpetrated against our commerce by England and by France, had reached a height at which further toleration would have been pusillanimous. Under the Berlin and Milan decrees of Napoleon, our ships were seized, and our property confiscated by the French, in a manner to provoke the warmest indignation of a free people. Great Britain vied with France, and finally far surpassed her in her acts of violence and rapine toward us. Each of the belligerent nations sought a pretext in the conduct of the other for her own injustice.

At length France, in answer to our remonstrances, repealed her odious decrees so far as we were concerned, and practically abandoned her system of seizure and oppression. Great Britain did not follow her example.

A year had elapsed since the French decrees were rescinded; but Great Britain persisted in her course, affecting to deny their extinction. The ships of the United States, laden with the produce of our soil and labor, navigated by our own citizens, and peaceably pursuing a lawful trade, were seized on our coasts, and, at the very mouth of our own harbors, condemned and confiscated. But it was the ruffianly system of impressment—by which American freemen, pursuing a lawful life of hardship and daring on the ocean, were liable to be seized, in violation of the rights of our flag, forced into the naval service of a foreign power, and made, perhaps, the instruments

of similar oppression toward their own countrymen —it was this despotic and barbarous system that principally roused the warlike spirit of Congress and the nation.

The feelings of Mr. Clay on this subject, seem to have been of the intensest description. Though coming from a State distant from the seaboard, the wrongs and indignities practised against our mariners by British arrogance and oppression, fired his soul and stirred his whole nature to resistance.

In appointing the committee on foreign relations, to whom the important question was to be referred, he was careful to select a majority of such members as partook of his own decided views. Peter B. Porter, of New York, was the chairman; and, on the 29th of November, he made a report, in which the committee earnestly recommended, in the words of the President, "that the United States be immediately put into an armor and attitude demanded by the crisis, and corresponding with the national spirit and expectations."

On the 31st of December, the house resolved itself into a committee of the whole, Mr. Breckinridge in the chair, on a bill from the senate, providing for the raising of twenty-five thousand troops. Of this measure, Mr. Clay was the warmest, and at the same time most judicious advocate. He addressed the House eloquently in its behalf, and urged it forward, on all occasions, with his best energies. In concluding, Mr. Clay said he trusted that he had fully established these three positions: That the quantum of the force proposed by the bill was not too great; that

its nature was such as the contemplated war called for; and that the object of the war was justified by every consideration of justice, of interest, of honor, and love of country. Unless that object were at once attained by peaceful means, he hoped that war would be waged before the close of the session.

The bill passed the House on the 4th of January succeeding; and, on the 22d of the same month, the report of the committee, to whom that part of the President's message, relating to a naval establishment, was referred, being under discussion, Mr. Clay spoke in favor of an increase of the navy, advocating the building of ten frigates.

On the 29th of January, 1812, the bill to increase the navy passed the House by a handsome majority. To Mr. Clay's eloquent advocacy of the measure, the country is largely indebted for the glorious naval successes which afterward shed a new and undying lustre upon our history. But for the gallant and effective navy, which sprang up under such auspices, the main arm of our defence would have been crippled. While we contemplate with pride our achievements upon the sea—the memorable deeds of our Lawrences, Decaturs, Hulls, Bainbridges, and Perrys—let us not forget the statesman, but for whose provident sagacity and intrepid spirit, the opportunity of performing those exploits might never have been afforded.

CHAPTER III

The War of 1812.—Mr. Clay's Efforts.

THE cause of Mr. Clay's transference from the Senate to the House of Representatives, was his own preference, at the time, of a seat in the popular branch. His immediate appointment as Speaker was, under the circumstances, a rare honor, and one never, before or since, conferred on a new member. Among the qualifications which led to his selection for that high station, was his known firmness, which would check any attempt to domineer over the House; and many members had a special view to a proper restraint upon Mr. John Randolph, of Virginia, who, through the fears of Mr. Varnum, and the partiality entertained for him by Mr. Macon, the two preceding Speakers, had exercised a control which, it was believed, was injurious to the deliberations of the body.

On the first of April, 1812, the following confidential communication from the President to Congress was received:—

"Considering it as expedient, under existing circumstances and prospects, that a general embargo be laid on all vessels now in port, or hereafter arriving, for the period of sixty days, I recommend the immediate passage of a law to that effect. JAMES MADISON."

This proposition was immediately discussed in the house in secret session. Mr. Clay took an active part

in the debate. He gave to the measure recommended by the President his ardent and unqualified support. "I APPROVE OF IT," said he, "BECAUSE IT IS TO BE VIEWED AS A DIRECT PRECURSOR TO WAR."

Against a storm of opposition Henry Clay presented an undaunted front. As the debate was carried on with closed doors, no ample record of it is in existence. But a member of Congress, who was present, says: "On this occasion Mr. Clay was a flame of fire. He had now brought Congress to the verge of what he conceived to be a war for liberty and honor, and his voice rang through the Capitol like a trumpet-tone sounding for the onset. On the subject of the policy of the embargo, his eloquence, like a Roman phalanx, bore down all opposition, and he put to shame those of his opponents, who flouted the government as being unprepared for war."

Through the indefatigable exertions of Mr. Clay and his associates, the attitude of resistance to aggression was now boldly assumed—the first step was taken toward a definite declaration of war.

A bill from the Committee on Foreign Relations was reported to the House on the third of June, 1812, declaring *war between Great Britain and her dependencies and the United States.* On the eighteenth it had passed both houses of Congress and the next day the President's proclamation was issued, declaring the actual existence of war. On the sixth of July, Congress adjourned to the first Monday in November.

Mr. Clay, Mr. Lowndes, Mr. Cheves, and Mr. Calhoun, were the leaders, who sustained and carried

through the declaration of war. Mr. Clay, fully impressed with the conviction that the honor and the highest interests of the country demanded the declaration, was ardent, active, and enthusiastic in its support. To him was assigned the responsible duty of appointing all the committees. Mr. Madison's Cabinet was not unanimous on the subject of war. Mr. Madison himself was in favor of it, but seemed to go into it with much repugnance and great apprehension. The character of his mind was one of extreme caution, bordering on timidity, although he acted with vigor and firmness when his resolution was once taken. Mr. Gallatin, the Secretary of the Treasury, was adverse to the war.

The second session of the Twelfth Congress took place at the appointed time. Events of an important character had occurred since it last met. The war had been prosecuted; and we had sustained some reverses. General Hull, to whom had been assigned the defence of the Michigan frontier, had, after an unsuccessful incursion into the neighboring territory of the enemy, surrendered ingloriously the town and fort of Detroit.

An attack was made on the post of the enemy near Niagara, by a detachment of regular and other forces under Major-General Van Rensselaer, and after displaying much gallantry had been compelled to yield, with considerable loss, to reinforcements of savages and British regulars.

But though partially unsuccessful on the land, the Americans had won imperishable trophies on the sea. Our public ships and private cruisers had made the

enemy sensible of the difference between a reciprocity of captures, and the long confinement of them to their side. The frigate *Constitution,* commanded by Captain Hull, after a close and short engagement, had completely disabled the British frigate *Guerrière.* A vast amount of property had been saved to the country by the course pursued by a squadron of our frigates under the command of Commodore Rodgers.

A strong disposition to adjust existing difficulties with Great Britain had, in the meantime, been manifested by our government. Our chargé d'affaires at London had been authorized to accede to certain terms, by which the war might be arrested, without awaiting the delays of a formal and final pacification.

These terms required substantially, that the British orders in council should be repealed as they affected the United States, without a revival of blockades violating acknowledged rules; that there should be an immediate discharge of American seamen from British ships. On such terms an armistice was proposed by our government.

These advances were declined by Great Britain, *from an avowed repugnance to a suspension of the practice of impressment during the armistice.*

Early in January, 1813, a bill from the military committee of the House, for the raising of an additional force, not exceeding twenty thousand men, underwent a long and animated discussion in committee of the whole. The opposition, on this occasion, rallied all their strength to denounce the measure.

On the 8th of January, Mr. Clay rose in defence of

the new army bill, and in reply to the violent and personal remarks, which had fallen from the opposition. His effort, on this occasion, was one of the most brilliant in his whole career. The members crowded around him in hushed admiration; and there were few among them who did not testify by their streaming tears his mastery over the passions. The subject of impressment was touched upon; and the matchless pathos with which he depicted the consequences of that infernal system—portraying the situation of a supposed victim to its tyrannic outrages—thrilled through every heart. The reported passage can but feebly convey a conception of the impression produced. In conclusion, Mr. Clay said:—

"My plan would be to call out the ample resources of the country, give them a judicious direction, prosecute the war with the utmost vigor, strike wherever we can reach the enemy, at sea or on land, and negotiate the terms of a peace at Quebec or at Halifax. We are told that England is a proud and lofty nation, which, disdaining to wait for danger, meets it half way. Haughty as she is, we once triumphed over her, and, if we do not listen to the counsels of timidity and despair, we shall again prevail. In such a cause, with the aid of Providence, we must come out crowned with success; but if we fail, let us fail like men—lash ourselves to our gallant tars, and expire together in one common struggle—FIGHTING FOR FREE TRADE AND SEAMEN'S RIGHTS!"

The army bill, thus advocated by Mr. Clay, passed the House on the 14th of January, 1813, by a vote of seventy-seven to forty-two.

On the 10th of February, the President of the Senate, in the presence of both houses of Congress, proceeded to open the certificates of the votes of the

electors of the several States for President and Vice-President of the United States. James Madison and Elbridge Gerry were elected—the former for a second term. The war policy of the administration was triumphantly sustained by the people.

The first session of the Thirteenth Congress commenced the twenty-fourth of May, 1813. Mr. Clay was again chosen Speaker by a large majority, and his voice of exhortation and encouragement continued to be raised in committee of the whole in vindication of the honor of the country and the conduct of the war.

The new Congress had commenced its session at a period of general exultation among all patriotic Americans. Several honorable victories, by sea and land, had shed lustre on our annals. Captain Lawrence, of the *Hornet,* with but eighteen guns, had captured, after a brisk and gallant action of fifteen minutes, the British sloop-of-war *Peacock,* Captain Peake, carrying twenty-two guns and one hundred and thirty men—the latter losing her captain and nine men, with thirty wounded, while our loss was but one killed and two wounded. York, the capital of Upper Canada, had been captured by the army of the centre, in connection with a naval force on Lake Ontario, under General Dearborn; while the issue of the siege of Fort Meigs, under General Harrison, had won for that officer an imperishable renown as a brave and skilful soldier.

In September of the preceding year, the Emperor Alexander of Russia, had intimated to Mr. Adams, our minister at St. Petersburg, his intention of ten-

dering his services as mediator between the United States and Great Britain. The proposition had been favorably received, and assurances had been given to the Emperor of the earnest desire of our government that the interest of Russia might remain entirely unaffected by the existing war between us and England, and that no more intimate connections with France would be formed by the United States. With these assurances the Emperor had been highly gratified; and in the early part of March, 1813, the Russian minister at Washington, M. Daschkoff, had formally proffered the mediation of his government, which was readily accepted by the President. It was rejected, however by the British Government, to the great surprise of our own, on the ground that their commercial and maritime rights would not thereby be as effectually secured as they deemed necessary; but, accompanying the rejection, was an expression of willingness to treat directly with the United States, either at Göttingen or at London; and the interposition of the Emperor was requested in favor of such an arrangement.

In consequence of the friendly offer of the Russian Government, Messrs. Albert Gallatin and James A. Bayard, had been sent to join our resident minister, Mr. Adams, as envoys-extraordinary at St. Petersburg. The proposal of the British ministry, to treat with us at Göttingen, was soon after accepted, and Messrs. Clay and Jonathan Russell were appointed, in conjunction with the three plenipotentiaries then in Russia, to conduct the negotiations. On the 19th of January, 1814, Mr. Clay, in an appropriate ad-

dress, accordingly resigned his station as Speaker of the House. The same day a resolution was passed by that body thanking him for the ability and impartiality with which he had presided.

Having been the most efficient leader in directing the legislative action which originated and directed to a prosperous termination the war with Great Britain—a war which the voice of an impartial posterity must admit to have elevated and strengthened us as a nation—Mr. Clay was now appropriately selected as one of the commissioners to arrange a treaty of peace.

CHAPTER IV

Treaty of Ghent.—Mr. Clay's Return.

The commissioners met first at Göttingen, but their meetings were afterward transferred to Ghent. The conferences occupied a space of time of about five months.

Such was Mr. Clay's pride of country that he had resolved not to go to England until he had heard of the ratification of the treaty of Ghent. After the termination of the negotiations he went to Paris, and accepted the invitation of Mr. Crawford, our minister, to take apartments in his hotel. Mr. Clay remained in Paris during upwards of two months.

During his stay in Paris, Mr. Clay heard of the issue of the battle of New Orleans. "Now," said he to his informant, "I can go to England without mortification."

Mr. Clay was in London when the battle of Waterloo was fought, and witnessed the illuminations, bonfires, and rejoicings, to which it gave rise. For a day or two, it was a matter of great uncertainty what had become of Napoleon. During this interval of anxious suspense, Mr. Clay dined at Lord Castlereagh's with the American envoys, Messrs. Adams and Gallatin, and the British ministry. Bonaparte's flight and probable place of refuge became the

topics of conversation. Among other conjectures, it was suggested that he might have gone to the United States; and Lord Liverpool, addressing Mr. Clay, asked: "If he goes there, will he not give you a good deal of trouble?"—"Not the least, my lord," replied Mr. Clay, with his habitual promptitude—"we shall be very glad to receive him; we would treat him with all hospitality, *and very soon make of him a good democrat.*"

The reply produced a very hearty peal of laughter from the whole company.

Mr. Clay was received in the British circles, both of the ministry and the opposition, with the most friendly consideration.

In September, 1815, Mr. Clay returned to his own country, arriving in New York, which port he had left in March, 1814.

In anticipation of his return home, Mr. Clay had been unanimously re-elected a member of Congress from the district he formerly represented. Doubts arising as to the legality of this election, a new one was ordered, and the result was the same.

On the fourth of December, 1815, the Fourteenth Congress met, in its first session. Mr. Clay was again elected Speaker of the House of Representatives, almost unanimously—receiving, upon the first balloting, eighty-seven out of one hundred and twenty-two votes cast—thirteen being the highest number given for any one of the five opposing candidates. He was, at this time, just recovering from a serious indisposition, but accepting the office in a brief and appropriate speech, acknowledging the

honor conferred upon him, and pledging his best efforts for the proper discharge of its duties.

Among the important subjects which came up, that of the new treaty was, of course, among the foremost. John Randolph and the Federalists, after having resisted the war, now took frequent occasion to sneer at the mode of its termination. On the 29th of January, 1816, Mr. Clay addressed the committee of the House most eloquently in reply to these cavillers.

"I gave a vote," said he, "for the declaration of war. I exerted all the little influence and talents I could command to make the war. The war was made. It is terminated. And I declare, with perfect sincerity, if it had been permitted to me to lift the veil of futurity, and to have foreseen the precise series of events which has occurred, my vote would have been unchanged. We had been insulted, and outraged, and spoliated upon by almost all Europe—by Great Britain, by France, Spain, Denmark, Naples, and, to cap the climax, by the little contemptible power of Algiers. We had submitted too long and too much. We had become the scorn of foreign powers, and the derision of our own citizens."

In conclusion, Mr. Clay declared, on this occasion, that his policy, in regard to the attitude in which the country should now be placed, was to preserve the present force, naval and military—to provide for the augmentation of the navy—to fortify the weak and vulnerable points indicated by experience—to construct military roads and canals—and, in short, "TO COMMENCE THE GREAT WORK OF INTERNAL IMPROVEMENT."

"I would see," he said, "a chain of turnpike roads and canals from Passamaquoddy to New Orleans; *and other sim-*

ilar roads intersecting mountains, to facilitate intercourse between all parts of the country, and to bind and connect us together. I WOULD ALSO EFFECTUALLY PROTECT OUR MANUFACTORIES. I would afford them protection, not so much for the sake of the manufacturers themselves, as for the general interest."

It was in this patriotic spirit, and impelled by this far-sighted, liberal, and truly American policy, that Mr. Clay resumed his legislative labors in the national counsels.

CHAPTER V

The United States Bank.—South American Independence.

THE financial condition of the United States, at the close of the war, was extremely depressed. The currency was deranged, public credit impaired, and a heavy debt impending. In his message, at the opening of the session of 1815-16, President Madison stated the condition of public affairs, and indicated the establishment of a national bank, and of a protective tariff, as the two great measures of relief.

On the 8th of January, 1816, Mr. Calhoun, from the committee on that part of the President's message relating to the currency, reported a bill to incorporate the subscribers to a Bank of the United States.

Mr. Clay, in 1811, while a member of the Senate, had opposed the rechartering of the old bank.

When the application was made to renew the old charter of the Bank of the United States, such an institution did not appear to him to be so necessary to the fulfilment of any of the objects specifically enumerated in the Constitution, as to justify Congress in assuming, by construction, power to establish it. It was supported mainly upon the ground that it was indispensable to the Treasury operations. But the local institutions in the several States, were

at that time in prosperous existence, confided in by the community, having confidence in one another, and maintaining an intercourse and connection the most intimate. Many of them were actually employed by the Treasury, to aid that department in a part of its fiscal arrangements; and they appeared to him to be fully capable of affording to it all the facilities that it ought to desire in all of them. They superseded, in his judgment the necessity of a national institution.

But how stood the case in 1816, when he was called upon again to examine the power of the General Government to incorporate a national bank? A total change of circumstances was presented. Events of the utmost magnitude had intervened. A suspension of specie payments had taken place. The currency of the country was completely vitiated. The government issued paper bearing an interest of six per cent., which it pledged the faith of the country to redeem. For this paper, guaranteed by the honor and faith of the government, there was obtained for every one hundred dollars, eighty dollars from those banks which suspended specie payments. The experience of the war, therefore, showed the necessity of a bank. The country could not get along without it. Mr. Clay had then changed his opinion on the subject and he had never attempted to disguise the fact. In his position as Speaker of the House, he might have locked up his opinion in his own breast. But with that condor and fearlessness which ever distinguished him, he came forward, as honest men ought to come forward, and

expressed his change of opinion, at the time when President Madison, and other eminent men, changed their course in relation to the bank.

The bill to recharter the bank was discussed for several weeks in the House, and on the 10th of April the bill became a law, by the signature of the President. The wisdom of the supporters of the measure was soon made manifest in the fact that the institution more than realized the most sanguine hopes of its friends. During the period of its existence, the United States enjoyed a currency of unexampled purity and uniformity; and the bills of the bank were as acceptable as silver in every quarter of the globe.

On the 6th of March, 1816, Col. Richard M. Johnson, from a committee appointed for the purpose, reported a bill changing the mode of compensation to members of Congress. The pay of members, at that time, was six dollars a day—an amount which, from its inadequacy, threatened to place the legislation of the country in the hands of the wealthy. The new bill gave members a salary of fifteen hundred dollars a year—to the presiding officer twice that amount. It passed both houses without opposition. Mr. Clay preferred the increase of the daily compensation to the institution of a salary, but the majority were against him, and he acquiesced in their decision.

He never canvassed for a seat in the House of Representatives but on one occasion, and that was after the passage of this unpalatable bill. It produced very great dissatisfaction throughout the United States, and extended to the district which he represented.

During the canvass, Mr. Clay encountered an old hunter, who had always before been his warm friend, but now was opposed to his election on account of the compensation bill. "Have you a good rifle, my friend?" asked Mr. Clay.—"Yes."—"Does it ever flash!"—"Once only," he replied.—"What did you do with it—throw it away?"—"No, I picked the flint, tried it again, and brought down the game."—"Have I ever flashed but upon the compensation bill?"—"No."—"Will you throw me away?"—"No, no!" exclaimed the hunter, with enthusiasm, nearly overpowered by his feelings; "I will pick the flint, and try you again!" He was afterward a warm supporter of Mr. Clay.

This anecdote reminds us of another, which is illustrative of that trait of boldness and self-possession, in the manifestation of which Mr. Clay has never been known to fail during his public career At the time that he was a candidate for election to the legislature of Kentucky, in 1803, while passing a few weeks at the Olympian Springs, a number of huntsmen, old and young, assembled to hear him make a "stump speech." When he had finished, one of the audience, an ancient Nimrod, who had stood leaning upon his rifle for some time, regarding the young orator with keen attention, commenced a conversation with him.

"Young man," said he, "you want to go to the legislature, I see?"

"Why, yes," replied Mr. Clay, "since I have consented to be a candidate, I would prefer not to be defeated."

"Are you a good shot?"

"Try me."

"Very well; I would like to see a specimen of your qualifications for the legislature. Come: we must see you shoot."

"But I have no rifle here."

"No matter: here is old Bess; and she never fails in the hands of a marksman; she has often sent death through a squirrel's head at one hundred yards, and daylight through many a redskin twice that distance; if you can shoot with any gun, you can shoot with old Bess."

"Well, well: put up your mark, put up your mark," said Mr. Clay.

The target was placed at the distance of about eighty yards, when, with all the coolness and steadiness of an experienced marksman, he lifted "old Bess" to his shoulder, fired, and pierced the very centre of the target.

"Oh, a chance shot! a chance shot!" exclaimed several of his political opponents. "He might shoot all day and not hit the mark again. Let him try it over—let him try it over."

"No; beat that, and then I will," retorted Mr. Clay. But as no one seemed disposed to make the attempt, it was considered that he had given satisfactory proof of his superiority as a marksman; and this felicitous accident gained him the vote of every hunter in the assembly. The most remarkable feature in the transaction remains to be told. "I had never," said Mr. Clay, "fired a rifle before, and never have since." It is needless to add that the election resulted in his favor.

On the 4th of March, 1817, James Monroe took the oath prescribed by the Constitution, and entered upon the duties of the presidency of the United States. The first session of the Fifteenth Congress commenced the ensuing December. Mr. Clay was again chosen Speaker.

It would be impossible, in the brief space we have allotted to ourselves, to present even a brief abstract of his remarks upon the many important topics which now claimed the attention of Congress.

During the summer of 1816, the President had appointed Messrs. Rodney, Graham, and Bland, commissioners to proceed to South America, to ascertain the condition of the country. Both Congress and the President were opposed to any recognition of the independence of the South American colonists. In rising to promulgate views hostile to theirs, Mr. Clay maintained that an oppressed people were authorized, whenever they could, to rise and break their fetters. This was the great principle of the English revolution. It was the great principle of our own. Vattel, if authority were wanting, expressly supports this right.

Having shown that the cause of the South American patriots was just, Mr. Clay proceeded to inquire what course of policy it became us to adopt. He maintained that a recognition of their independence was compatible with perfect neutrality and with the most pacific relations toward old Spain.

After demonstrating that the United States were bound, on their own principles, to acknowledge the independence of the United Provinces of the river

Platte, he alluded to the improbability that any of the European monarchies would set the example of recognition. "Are we not bound," he asked, "upon our own principles, to acknowledge this new republic? If WE do not, *who will?*"

The simple words, "*who will?*" are said, by an intelligent observer, who was present, to have been uttered in a tone of such thrilling pathos, as to stir up the deepest sensibilities of the audience. It is by such apparent simple appeals that Mr. Clay, with the aid of his exquisitely modulated voice, often produced the most powerful and lasting effects.

After repeated efforts and repeated failures to carry his generous measures in behalf of South American liberty, Mr. Clay, on the tenth of February, 1821, submitted for consideration a resolution declaring that the House of Representatives participated with the people of the United States, in the deep interest which they felt for the success of the Spanish provinces of South America, which were struggling to establish their liberty and independence; and that it would give its constitutional support to the President of the United States, whenever he might deem it expedient to recognize the sovereignty and independence of those provinces.

On this resolution a debate of nearly four hours ensued, in which Mr. Clay sustained the principal part. It was carried.

On the 8th day of March, 1822, the President sent a message to the House of Representatives, recommending the recognition of South American independence. The recommendation was referred to the

Committee on Foreign Relations, which, on the 19th of the same month, reported in favor of the recommendation, and of an appropriation to carry it into effect. The vote of recognition was finally passed on the 28th, with but a single dissenting voice.

Such is a brief sketch of Mr. Clay's magnanimous efforts in behalf of South American independence. His zeal in the cause was unalloyed by one selfish impulse, or one personal aim. He could hope to gain no political capital by his course. He appealed to no sectional interest; sustained no party policy; labored for no wealthy client; secured the influence of no man, or set of men, in his championship of a remote, unfriended, and powerless people. Congress and the President were vehemently opposed to his proposition. But in the face of discomfiture, he persevered, till he succeeded in making converts of his opponents, and in effecting the triumph of his measure.

The effect of his spirit-stirring appeal in cheering the patriots of South America, was most gratifying and decided. His memorable plea of March, 1818, was, as one of his most embittered adversaries has told us, read at the head of the South American armies, to exalt their enthusiasm in battle, and quicken the consummation of their triumphs.

CHAPTER VI

Internal Improvement.—Protection.

We have seen that from an early period Mr. Clay was an advocate of the doctrine of internal improvement. His speech in Congress in 1806 had been in vindication of the policy authorizing the erection of a bridge across the Potomac River. In January, 1816, he declared himself in favor not only of a system of internal improvement, but of protection to our manufactures.

It will be remembered that the bill appropriating for purposes of internal improvement the bonus which was to be paid by the Bank of the United States to the General Government, after having been passed by Congress, had been returned by President Madison without his signature, in consequence of constitutional objections to the bill. Mr. Monroe, in anticipation of the action of Congress, had expressed an opinion in his message opposed to the right of Congress to establish a system of internal improvement. Mr. Jefferson's authority was also cited to show that, under the Constitution, roads and canals could not be constructed by the General Government without the consent of the State or States through which they were to pass. Thus three successive presidents had opposed the proposition.

Against this weight of precedent, Mr. Clay undertook to persuade Congress of their power under the Constitution to appropriate money for the construction of military roads, post-roads and canals. A resolution, embodying a clause to this effect, came before the House in March, 1818; and he lent to it his unremitting advocacy.

Mr. Clay's motion, recognizing in Congress the constitutional power to make appropriations for internal improvements, was finally carried by a vote of ninety to seventy-five. The victory was a most signal one, obtained, as it was, over the transmitted prejudices of two previous administrations, and the active opposition of the one in power.

From that period to his final retirement from the Senate he was the ever-vigilant and persevering advocate of internal improvements.

During the second session of the Fifteenth Congress, in January, 1819, the subject of General Andrew Jackson's conduct in his celebrated Florida campaign came up for discussion. That chieftain, after subjecting the vanquished Indians to conditions the most cruel and impracticable, had hung two prisoners-of-war, Arbuthnot and Ambrister, and concluded his series of outrages by lawlessly seizing the Spanish posts of St. Marks and Pensacola.

Committees of the Senate and the House made reports reprobatory of his conduct; and resolutions were presented, expressive of the same sentiment. Mr. Clay, grateful for the public services of the general, treated him with a forbearance and kindness which rendered the sincerity of his animadversions

the more obvious "With respect to the purity of his intentions," said Mr. Clay, "I am disposed to allow it in the most extensive degree. Of his *acts* it is my duty to speak with the freedom which belongs to my station."

The Speaker then proceeded to expose, in a most forcible point of view, the dangerous and arbitrary character of those acts, and the constitutional violations of which General Jackson had been guilty.

Even at that distant day, Mr. Clay saw in the conduct of General Jackson, the indications of that imperious will—of that spirit of insubordination—which, dangerous as they were in a military commander, were not less pernicious and alarming in a civil chief magistrate. With his keen, instinctive faculty of penetration, he discovered the despotic and impulsive character of the man.

How, then, when the question was presented to him of deciding between the qualifications of John Quincy Adams and Andrew Jackson for the presidency of the United States—how could Henry Clay, as a consistent and honorable man, hesitate for a moment in his choice? And yet an amount of obloquy and vituperation, such as never before was heaped upon a public servant, has been lavished on him because of his refusing to vote for General Jackson on that occasion! Had he done so, he would have been false to his past professions and convictions—false to conscience, to patriotism, and the plainest dictates of duty.

We come now to one of the most important epochs in Mr. Clay's public history. In the opinion of a

large portion of the people of the United States, it is to his long-continued, arduous, and triumphant efforts in the cause of protection to American industry and skill, that he will be indebted for his highest and most enduring fame. We have seen that, as far back as 1810, he laid the foundation-stone of that great and beneficent American system, of which he was the originator and the architect.

To specify and describe all his labors in the establishment and advancement of his noble policy, from that time to the period of his retirement from the Senate, would alone fill more space than we can give to his whole life. The journals of Congress, and the political newspapers of the country, for the last thirty years, will be found to be occupied, to no inconsiderable extent, with the record of his efforts, and arguments, and untiring appeals.

On the 12th of March, 1816, Mr. Lowndes, of South Carolina, from the Committee of Ways and Means, introduced before the House a bill "to regulate the duties on imports and tonnage, &c." The bill was avowedly favorable to a tariff of protection; and, strange as the record may seem, one of its most ardent supporters was John C. Calhoun. The whole question was debated with reference to the protective policy. It was thoroughly discussed in committee of the whole; and, through the exertions of Mr. Clay, a higher duty was adopted for the important article of woollens. The amendment, however, was unfortunately lost in the House; but the bill, such as it was, passed.

In the spring of 1820, the subject of a tariff again

came before Congress; and Mr. Clay made a most interesting and impressive speech in favor of protective duties. The tariff was remodelled by the House, but their bill was rejected by the Senate.

In 1823, the health of Mr. Clay was very poor—so much so that his life was despaired of by both his friends and himself. He had attended the Olympian springs in Kentucky, in the summer, had been placed under a strict regimen, and subjected to a long course of medicine. In spite of all remedies, he felt a gradual decline, and looked forward to a speedy dissolution. In November he was to start for Washington, and fully anticipated, that after reaching that city, if he reached it at all, he should be obliged to hasten to the south as a last resort. He procured a small travelling carriage and a saddle-horse—threw aside all the prescriptions of the physician, and commenced his journey. Daily he walked on foot, drove in his carriage, and rode on horseback. He arrived at Washington quite well, was elected Speaker and went through more labor than he ever performed in any other session, excepting, perhaps, the extra session of 1841.

The condition of the country, in 1824, was far from prosperous. The amount of our exports had diminished to an alarming degree, while our imports of foreign goods had greatly increased. The country was thus drained of its currency; and its commerce was crippled. Nor was there any home-market for the staple productions of our soil. Both cotton-planters and wool-growers shared in the general prostration; and even the farmer had to sell his

produce at a loss, or keep it on hand till it was ruined. Labor could with difficulty find employment; and its wages were hardly sufficient to supply the bare necessaries of life. Money could be procured only at enormous sacrifices. Distress and bankruptcy pervaded every class of the community.

In January, 1824, a tariff bill was reported by the Committee on Manufactures of the House; and in March following, Mr. Clay made his great and ever-memorable speech in the House, in support of American industry.

The tariff bill finally passed the House, the 16th of April, 1824, by a vote of 107 to 102. It soon afterward became a law.

CHAPTER VII

Missouri.

During the session of 1820-21, the "distracting question," as it was termed, of admitting Missouri into the Union, which had been the subject of many angry and tedious debates, was discussed in both branches of Congress. The controverted point was, whether she should be admitted as a slave State.

Slavery had been expressly excluded from Ohio, Indiana, and Illinois, by acts of Congress, on their admission into the Union. But that restriction was by virtue of an ordinance of the former Congress, under the confederation, prohibiting the introduction of slavery into the northwest territory, out of which these States were formed. Missouri was part of the Louisiana territory, purchased of France, in 1803. And in various parts of that extensive territory, slavery then existed, and had long been established.

Louisiana had been admitted into the Union without restriction of the kind proposed for Missouri. The States of Kentucky, Tennessee, Mississippi, and Alabama, had also been admitted as separate States previous to this period; and, as they were taken from States in which slavery existed, they had been made subject to no such restriction. It was contended that, on the same principle, Missouri should also be re-

ceived, without requiring, as a condition of admission, the exclusion of slavery. And it was also insisted that it would be interfering with the independent character of a State, to enforce any such restriction, which was manifestly a subject of regulation by the State authority.

On the contrary, it was urged that in the old States the subject was expressly settled by the Constitution, and Congress could not justly interfere in those States; but that it was otherwise with new States received into the Union; in which case Congress had the right to impose such restrictions and conditions as it might choose; that it was evidently the intention of the old Congress not to extend slavery, having prohibited its introduction or existence in new States to be formed out of the northwest territory; and that slavery was so great an evil, and so abhorrent to the principles of a free government, that it should be abolished or prohibited wherever it could be constitutionally affected.

The discussion went on from month to month, and from session to session, increasing in fierceness, and diverging farther and farther from the prospect of an amicable settlement.

A bill for the admission of Missouri had been defeated during the session of 1818-19; and the inflammatory subject had, during the vacation of Congress, given rise to incessant contention. The vote in the House of Representatives was several times given for excluding slavery; but the Senate disagreed, and would not yield to the House.

In 1820, the people of the territory of Missouri

proceeded to ordain and establish a constitution of government for the contemplated State. Among other provisions, it was ordained in the twenty-sixth section of the third article, that it should be the duty of the general assembly, *as soon as might be, to pass such laws as were necessary to prevent free negroes and mulattoes from coming to and settling in the State, under any pretext whatever.*" Under this constitution a State government was organized and went into operation.

This clause, for the exclusion of free negroes and mulattoes, fanned into fresh life the flame of excitement which had been partially allayed. The whole country was now thrown into commotion upon the question of admitting Missouri.

In the autumn of 1820, Mr. Clay, who had experienced heavy pecuniary losses by endorsing for a friend, resolved to retire from Congress, and, in the practice of the law, devote himself to the reparation of his private affairs.

In view of the agitating question before Congress, Mr. Clay consented, however, to retain his seat as a member of the House till his term of service expired, although he resigned the Speakership and was no longer its presiding officer. Early in the session the Missouri question came up. Those who now opposed its admission contended, that free citizens and mulattoes were citizens of the States of their residence; that as such, they had a right under the Constitution, to remove to Missouri, or any other State of the Union, and there enjoy all the privileges and immunities of other citizens of the United States

emigrating to the same place; and, therefore, that the clause in the constitution of Missouri, quoted above, was repugnant to that of the United States, and she ought not to be received into the Union.

On the other hand, it was maintained that the African race, whether bond or free, were not parties to our political institutions; that, therefore, free negroes and mulattoes were not citizens, within the meaning of the Constitution of the United States; and even if the constitution of Missouri were repugnant to that of the United States, the latter was paramount, and would overrule the conflicting provision of the former, without the interference of Congress.

Such was the perilous and portentous question which now threatened a disruption of the Union. In some shape or other, it was presented almost daily and hourly to Congress; and became, at length, a perfect incubus upon legislation. In this state of things, Mr. Clay arrived in Washington, and took his seat in the House on the sixteenth of January, 1821. On the second of February, he submitted a motion to refer a resolution of the Senate on the Missouri question to a committee of thirteen—a number suggested by that of the original States of the Union. The motion was agreed to, and a committee appointed accordingly.

On the tenth of the same month, Mr. Clay made a report, concluding with an amendment to the Senate's resolution, by which amendment Missouri was admitted upon the condition that

"the said State shall never pass any law preventing any de-

scription of persons from coming to and settling in the said State, who now are or hereafter may become citizens of any of the States of this Union; and provided also, that the legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the president of the United States, on or before the fourth Monday in November next, an authentic copy of the said act; upon the receipt whereof, the president, by proclamation, shall announce the fact; whereupon, and without any further proceedings on the part of Congress, the admission of the said State into the Union shall be considered as complete."

The question being taken in committee of the whole on the amendment proposed by Mr. Clay, it was decided *in the negative*.

The rejection of Mr. Clay's report seemed to shut out all prospect of an amicable compromise. He was not disheartened, however. He never despaired of the republic. On the twenty-second of February, he submitted a resolution for the appointment of a joint committee of the two houses of Congress to inquire and report on the subject.

This resolution was adopted in the House, and the Senate acceded to it.

The joint committees of the two houses met on the twenty-fifth of February, 1821; and a plan of accommodation, proposed by Mr. Clay, was adopted, unanimously on the part of the committee of the Senate, and nearly so by that of the House. The next day he reported to the House from the committee a resolution which was the same in effect as that which we have already quoted as having been reported by the former committee of thirteen members. The resolution was adopted by a vote of eighty-seven to

eighty-one. The Senate concurred, and the momentous question, which for three sessions had agitated Congress, was, at length, through the labors of Henry Clay, peaceably settled.

The achievement of this vital compromise must have been one of the most gratifying triumphs of his political career. By his personal influence and abilities, he had saved the republic. He deservedly won on this occasion the appropriate title of "the Great Pacificator;" for to his individual exertions do we owe it, that we were saved from the prospect of a dissolution of the Union.

By an absence of nearly three years from Congress, Mr. Clay was enabled, through his professional labors, to retrieve his private affairs; and, in the summer of 1823, at the earnest and repeated solicitations of his fellow-citizens, he accepted a renomination, and was again chosen, without opposition, to represent his district in the lower House at Washington.

The first session of the Eighteenth Congress opened the first Monday in December, 1823. At the first ballot for Speaker, in the House of Representatives, Mr. Clay was elected and his labors, during the session of 1824, would alone have been sufficient to make his name memorable, to the latest posterity, in the annals of the country. The session is signalized by the passage of the tariff bill, and of his measure in behalf of South American independence.

We have seen that Mr. Clay was at variance with President Monroe upon the subject of internal improvements, as well as in regard to the mode of

recognizing the independence of the South American patriots. Notwithstanding these differences of opinion, the personal relations of the Speaker and the Chief Magistrate were friendly. Mr. Clay was offered a seat in the Cabinet, and a *carte blanche* of all the foreign missions. Had *place* been his ambition and his object, he might have attained it without any sacrifice of independence—without any loss of position as the acknowledged head of the great Republican party. He saw, however, that he could be more useful to his country in Congress.

CHAPTER VIII

Presidential Election of 1824.

As Mr. Monroe's second presidential term drew to a close, the question of the next presidency began to be busily agitated. Four prominent candidates were presented by their friends for the suffrages of the people: being John Quincy Adams of Massachusetts, Andrew Jackson of Tennessee, Henry Clay of Kentucky, and William H. Crawford of Georgia.

In November, 1822, Mr. Clay had been nominated as a suitable successor to James Monroe, at a meeting of the members of the legislature of Kentucky. The nomination soon after met with a response from similar meetings in Louisiana, Missouri, and Ohio; and, as the period of the election approached, he was hailed by large bodies of his fellow-citizens in all parts of the country as their favorite candidate.

The campaign of 1824 was one of the most warmly-contested in our annals. Some of the more unscrupulous of the friends of the various candidates resorted to manœuvres unworthy of their cause to advance their ends. Just as the election was commencing, a report was industriously circulated in different quarters of the country that Mr. Clay had withdrawn from the presidential contest. In consequence of this report, General William H. Harrison,

and other of Mr. Clay's friends in Ohio, published a declaration, in which it was asserted that he (Mr. Clay) "would not be withdrawn from the contest but by the fiat of his Maker." Our late lamented Chief Magistrate was at that time, and ever after, his devoted political, as well as personal friend; and he has often been heard to declare his preference for him over all other candidates.

Early in the campaign it was discovered that there would be no election of President by the people. By the Constitution, the House of Representatives would, therefore, be called upon to choose from the three highest candidates. In December, 1824, soon after the meeting of Congress, it was known that the three highest candidates were Jackson, Adams, and Crawford, and that Mr. Clay and his friends would have it in their power, when the question came before the House, of turning the balance in favor of any one of the three.

On the 9th of February, 1825, in the presence of both houses of Congress, Mr. Tazewell, from the Committee of Tellers, reported the votes of the different States for President and Vice-President of the United States. The aggregate was as follows: John Quincy Adams had eighty-four votes; William H. Crawford, forty-one; Andrew Jackson, ninety-nine; and Henry Clay, thirty-seven—the latter having been deprived, by party intrigue and chicanery, of votes in New York and Louisiana—which would have carried him into the House, where he would undoubtedly have been elected President over all other candidates.

The President of the Senate rose, and declared that no person had received a majority of the votes given for President of the United States;—that Andrew Jackson, John Q. Adams, and William H. Crawford, were the three persons who had received the highest number of votes, and that the remaining duties in the choice of a President now devolved on the House of Representatives. He further declared, that John C. Calhoun, of South Carolina, having received one hundred and eighty-two votes, was duly elected Vice-President of the United States, to serve for four years from the ensuing fourth day of March. The members of the Senate then retired.

We have seen what were Mr. Clay's views of the character of General Jackson so far back as 1819, when the Seminole question was before the House. Was it possible that he should regard those traits which, in the soldier, had led to conduct at war with the Constitution, as qualifications in the President? General Jackson was, furthermore, understood to be hostile to those great systems of internal improvement and protection to home manufactures, which Mr. Clay had spent the best part of his public life in establishing. At least the general's views were vacillating and undecided on these points. Could Mr. Clay be called upon to sacrifice those important interests on the shrine of merely sectional partiality—for the sake of having a Western rather than an Eastern man to preside over the Union?

No! Henry Clay was not to be influenced by such narrow and unworthy considerations. He has himself said: "Had I voted for General Jackson in op-

position to the well-known opinions which I entertained of him, one-tenth part of the ingenuity and zeal which have been employed to excite prejudice against me would have held me up to universal contempt; *and, what would have been worse, I should have felt that I really deserved it.*" According to the testimony of his friend, General Call, General Jackson himself never expected that he would receive the vote of Mr. Clay, who unhesitatingly gave it for Mr. Adams, and decided the election in his favor. He went further. When, after he was seated in the presidential chair, Mr. Adams offered him the Secretaryship of State, he had the moral courage to accept it in defiance of the storm of calumny, exasperation, and malignant opposition, which he knew that act would bring down upon him.

This was a critical period in Mr. Clay's public life —a bold, intrepid, and magnanimous movement. We know that he now thinks it was a mistaken one. In his speech of the 9th of June, 1842, at Lexington, he says:—

"My error in accepting the office *arose out of my underrating the power of detraction and the force of ignorance,* and abiding with too sure a confidence in the conscious integrity and uprightness of my own motives."

With deference, we must express our dissent from Mr. Clay in regarding his acceptance of office under Mr. Adams as an "error." It may have been, *so far as his personal interests were concerned,* erroneous, and impolitic; but, in reference to his public duties, it was right; it was honest; it was courageous. Both Madison and Monroe had offered him the highest

offices in their gift; but the country was at those times in such a state, that he thought he could make himself more useful in Congress; and he refused them. None but the ignorant and base-minded could credit the monstrous assertion, that he had made the promise of the Secretaryship the condition of giving his vote for Mr. Adams.

Mr. Clay entered upon the duties of his new post in March, 1825. In him the House of Representatives lost the ablest and most efficient Speaker that had ever graced the chair. The best proof of his popularity may be found in the eloquent fact, that from the time of his first entry into the House in 1811 to 1825, with the exception of two years when he was voluntarily absent, he was chosen to preside over their deliberations almost without opposition. The period of his Speakership will always be regarded as an epoch in the history of our Federal legislature. Perhaps the most remarkable characteristic of his presidency over the House was his perfect—his unimpeachable impartiality. Both foes and friends bore testimony to this trait without a dissenting voice. Strong as were his party feelings, they never could induce him, even in the very tempest and whirlwind of debate, to treat an opponent with unfairness or undue neglect. His decisions were always prompt, yet never so hasty as to be reversed by the House. Notwithstanding the many momentous and agitating questions which were discussed while he occupied the chair, he was never known to lose his self-possession, or to fail in preserving the dignity of his position.

During the long period of his service (some twelve or thirteen years) in the chair, such was the confidence reposed in his impartiality and the rectitude of his judgment, that appeals were rarely taken from his decision—during the last years of his incumbency, scarcely one.

It has been seen that Mr. Clay's presiding in the chair did not prevent his taking an active and leading part in all the great measures that came before the House in committee of the whole. His spirits were always buoyant, and his manner in debate generally animated, and sometimes vehement. But he never carried from the floor to the chair the excited feelings arising in debate.

Uniformly cheerful when on the floor, he sometimes indulged in repartee. The late General Alexander Smyth of Virginia, a man of ability and research, was an excessively tedious speaker, worrying the House and prolonging his speeches by numerous quotations. On one of these occasions, when he had been more than ordinarily tiresome, while hunting up an authority, he observed to Mr. Clay, who was sitting near him, "You, sir, speak for the present generation; but I speak for posterity."—"Yes," said Mr. Clay, "and you seem resolved to speak until the arrival of your audience!"

CHAPTER IX

Mr. Clay as Secretary of State.

RARELY has an administration been subjected to an opposition so unrelenting, so vindictive, and so determined as that which assailed the presidency of John Quincy Adams. The motives of that opposition appear to have been purely selfish and mercenary; for the policy of Mr. Adams resembled that of his predecessor, whose Secretary of State he had been, and it was little calculated to call down a virulent hostility. In his views of the powers of the General Government, he was more liberal than Mr. Monroe. He was friendly to the American system of internal improvement and protection, which had been so ably vindicated by Mr. Clay; and all his measures were conceived in a truly generous, republican, and patriotic spirit.

In the distribution of his official patronage, Mr. Adams appears to have been actuated by the purest and most honorable motives. Not a single removal from office, on political grounds, was made by his authority; and in no one instance does he seem to have been impelled by considerations of self-interest, or with a view to ultimate personal advantage.

The circumstances under which he came into office, however, were a continual source of uneasiness to the friends of Jackson and Crawford; and his ad-

ministration, able and honorable to the country as it was, was constantly assailed.

The health of Mr. Clay, during the whole period of his residence at Washington, as Secretary of State, was exceedingly unfavorable—so much so, that at one time he had fully determined to resign the office. He was persuaded, however, to remain; and, notwithstanding the depressing influence upon mental and physical exertion of bodily infirmity, he discharged the complicated and laborious duties of the Secretaryship with a fidelity and efficiency that have never been surpassed.

One of the ablest State papers in the diplomatic annals of the United States, is the letter of instructions of Mr. Clay to the delegation to Panama. A congress was proposed to be held at Panama or Tacubaya, to be composed of delegates from the republics of Mexico, Colombia, and Central America, to deliberate on subjects of importance to all, and in which the welfare and interest of all might be involved. The threatening aspect of the "Holy Alliance" in Europe toward the free governments of the New World, had induced the late President Monroe to declare that the United States would not view with indifference any interference on their part in the contest between Spain and her former colonies; and the governments of the new republics were naturally led to suppose that our own was friendly to the objects proposed in the contemplated congress. In the spring of 1825, invitations were given on the part of Colombia, Mexico, and Central America, to the United States, to send commissioners to Panama.

To manifest the sensibility of the United States to what concerned the welfare of America and to the friendly feelings of the Spanish-American States, the President determined to accept their invitations and to send ministers, with the consent of the Senate.

In March, 1829, a call having been made in the Senate for copies of the instructions given to our ministers at Panama, Mr. Adams transmitted them, and they were soon afterward published. Few State papers in the archives of the Government will compare, in point of ability, with this letter of instructions of Mr. Clay. The liberal principles of commerce and navigation which it proposed; the securities for neutral and maritime rights which it sought; the whole system of international and American policy which it aimed to establish; and the preparatory measures which it recommended *for uniting the two oceans by a canal,* constitute it one of the boldest, most original, comprehensive, and statesmanlike documents on record.

The number of treaties negotiated by Mr. Clay at the seat of the General Government, is greater than that of all which had ever been previously concluded there from the first adoption of the Constitution. His diplomatic experience—his attractive manners—his facile and unceremonious mode of transacting business, rendered him a favorite with the foreign ministers at Washington, and enabled him to procure from them terms the most advantageous to the country.

His letters to Mr. Gallatin, our minister at London, in relation to the trade between the United

States and the British colonies, and on the navigation of the St. Lawrence, and to our chargé at London, relative to the northeastern boundary, exhibit much research, and a sagacious, enlightened, and truly American spirit. Never was the diplomacy of the country so efficiently and creditably conducted, as when under the charge of Henry Clay.

It has been justly said that no policy could be more thoroughly anti-European, and more completely American, than that of Mr. Adams's administration.

But the elements of opposition, which had remained inactive during the eight years of Mr. Monroe's presidency, began to form and combine against his successor almost before he was "warm in his chair." The character of these elements was somewhat heterogeneous; and the partisan managers were long puzzled to find some principles of cohesion in their opposition. The policy of Mr. Adams upon all important questions coincided with that of the majority, and was sanctioned by the example of his great democratic predecessors.

But as Mr. Adams's administration drew to a close, it began to be apparent that it was not destined to a second term. The strongest appeals were made to the sectional feelings of the Western States in behalf of the candidate of the opposition; and these appeals were but too successful. In the various sections of the Union, opposite reasons were urged with effect against the administration. New York and Pennsylvania were operated upon by an assertion, industriously circulated, that General Jackson was

the candidate of the Democracy of the country, and this impression contributed to create a strong party in the States of Maine and New Hampshire. Nothing could be more untrue than the assertion. Many of the leaders of the old Federal party were the most ardent personal opponents of Mr. Adams, and became the most effective enemies of his administration. These men might afterward be heard claiming to be the orthodox Democratic party, and denouncing Henry Clay—the early opponent of the alien and sedition laws—the friend and supporter of Jefferson's administration—the main pillar of Madison's —and the most active originator and advocate of the last war—as *a Federalist!*

The truth is that it has fared with the principles of Federalism as with its men. In the time of Mr. Monroe there was a general blending of parties. A new and distinct formation, on grounds at first purely personal, was made during the administration of General Jackson. As soon as there was a division on *principles,* the worst part of the old Federalists—went over to General Jackson, and carried with them a spirit of ultraism, ay, and of ultra-Federalism, which was developed in the protest, and proclamation, and many of the leading measures of his administration. The more moderate, prudent, and patriotic, joined with the Democratic party, and formed the great *Whig* party of the country. The *ultras* of the old party coalesced, and the combination was naturally *Tory.*

Upon the assembling of the Twentieth Congress, it was ascertained, by the election of the Speaker,

that a majority of the House was opposed to the administration; and this victory was soon followed by such an accession from those who were *uncommitted* in the Senate as to give a majority to the same party in that body. Thenceforward the administration was not allowed, of course, a fair trial; and every question was discussed with a view to political effect.

At length, in the autumn of 1828, the presidential election took place, and resulted in the choice of Andrew Jackson, by one hundred and seventy-eight votes in the primary electoral colleges, given by sixteen States, including Virginia and Georgia, which, in the previous election, had cast their votes for Mr. Crawford. Mr. Calhoun was chosen Vice-President. Thus ended the administration of John Quincy Adams, during which our domestic and foreign affairs were never more ably and prosperously conducted.

In March, 1829, General Jackson entered upon the discharge of his official duties as President. On the 14th of the same month, Mr. Clay left Washington for his residence in Kentucky. Before quitting that city, some of the principal residents, as a parting tribute of respect, gave him a public dinner.

CHAPTER X

Return to Kentucky.—Again United States Senator.

On his way to Kentucky, Mr. Clay received continual testimonials of the attachment and esteem of the people. He was invited to innumerable public dinners, but was able to appear only at a few.

During the summer and autumn of 1829, Mr. Clay visited several parts of the State of his adoption, and everywhere he was hailed as a friend and public benefactor.

In January, 1830, he made a visit to one of his married daughters at New Orleans. Although appearing there as a private citizen, he found it impossible to escape those attentions which the public gratitude suggested. He was daily visited by crowds of persons, including members of the legislature and judges of the different courts. The ship-masters, who were in port, waited in a body upon him as the champion of *free trade and sailors' rights*. Declining an invitation to a public dinner, he left New Orleans for Natchez, on his way home, the 9th of March.

At Natchez, persons from all parts of Mississippi were waiting to meet him. Soon after his arrival, he accepted a pressing invitation to a public dinner.

In the course of his remarks, having occasion to allude to the battle of New Orleans, he paid a generous tribute to General Jackson. Henry Clay never was the man to detract from the merits of even his most unrelenting opponents.

On the 27th of March, Mr. Clay reached Lexington, having declined numerous invitations to public dinners on his route.

In the autumn of 1831, Mr. Clay was elected to the Senate of the United States by the legislature of Kentucky. At the first session of the Twenty-second Congress, he presented his credentials, and took his seat once more.

Contemporaneous with his reappearance in the Senate, was the meeting of the National Republican Convention, which assembled at Baltimore, on the 12th of December, 1831, and unanimously nominated Henry Clay to the office of President of the United States, and John Sergeant to that of Vice-President.

The subject of the tariff began to be vehemently agitated in Congress early in the session of 1831-32. The discontent of the South was assuming an alarming aspect; and the system of protection, which Mr. Clay had labored so long and incessantly to establish, was threatened with material qualifications, if not a complete overthrow. In that conciliatory spirit, which he had manifested on many critical occasions, he now approached this exciting topic. On the ninth of January, 1832, he introduced a resolution, providing that the existing duties upon articles imported from foreign countries, and not com-

ing into competition with similar articles made or produced within the United States, ought to be forthwith abolished, except the duties upon wines or silks, and that they ought to be reduced; and that the Committee on Finance be instructed to report a bill accordingly. This resolution he sustained in an admirable speech of about two hours duration, in which he spoke warmly in favor of the maintenance of the protective policy and that of internal improvement.

Mr. Hayne followed in reply; and on the second of February, the subject being still under discussion before the Senate, Mr. Clay commenced his ever-memorable speech *in defence of the American system against the British colonial system.* It was continued on the next day, and finally completed on the sixth of the same month. Such a chain of irrefragable argument as it presents, with facts the most cogent and appropriate, has rarely been forged by human ingenuity. It will be referred to by future statesmen as their political text-book, when the protective policy is called in question.

On the 13th of March, Mr. Dickerson, from the Committee on Manufactures, reported, in conformity with Mr. Clay's resolution, a bill for repealing the duties upon certain specified articles of import. The bill was opposed at the threshold because it did not embrace the whole subject of the tariff; because it made no reduction of duties upon *protected* articles. An animated debate ensued, and the bill was laid upon the table. After undergoing numerous modifications in both houses, it was finally passed by Con-

gress in July, 1832. By this new law, the principles for which Mr. Clay and the rest of the friends of domestic industry had contended, were preserved. The revenue was greatly reduced, but the protective system remained unimpaired.

CHAPTER XI

Nullification.—The Tariff Compromise.—Public Lands.

THE amended tariff was received with little favor by the South. Nullification grew daily bolder in its denunciation and menaces; and the Union seemed to be greatly in danger. On the 24th of November, 1832, the South Carolina convention passed their ordinance, declaring the revenue laws of the United States null and void; and soon afterward the legislature of the State met, ratified the proceedings of the convention, and passed laws for the organization of the militia and the purchase of munitions and ordnance.

In the midst of these troubles, the presidential contest took place, and resulted in the reëlection of General Jackson over the opposing candidates, Henry Clay, John Floyd of Virginia, and William Wirt.

On the 10th of December, 1832, soon after the meeting of Congress, President Jackson issued his proclamation, announcing his determination to enforce the revenue laws, and exhorting the citizens of South Carolina to pause in their disorganizing career. This remonstrance produced little effect. It was followed, on the 20th of the same month, by a counter-proclamation from Governor Hayne,

of South Carolina, warning the citizens against the attempt of the President to seduce them from their allegiance, and exhorting them, in disregard of his threats, to be prepared to sustain the State against the arbitrary measures of the Federal Executive.

The protective system was at this moment in imminent hazard of being destroyed. General Jackson's administration was always inimical to that policy, originated and principally supported as it had been by a hated rival. The tariff became the great question of the session. It was referred to the Committee of Ways and Means, where it was remodelled; and on the 27th of December a bill was reported, which was understood to embody the views of the administration. It proposed a diminution of the duties on all the protected articles, to take effect immediately, and a further diminution on the 2d of March, 1834. The subject was discussed from the 8th to the 16th of January, 1833, when a message was received from the President, communicating the South Carolina ordinance and nullifying laws, together with his own views as to what should be done under the existing state of affairs. On the twenty-first of the same month, the judiciary committee of the Senate reported a bill *to enforce* the collection of the revenue, where any obstructions were offered to the officers employed in that duty.

The aspect of affairs was now alarming in the extreme. The administration party in the House had shown itself utterly incapable of devising a tariff likely to be accepted by a majority of that

body. The session was rapidly drawing to a close. South Carolina had deferred the period of its collision with the General Government in the hope that some measure would be adopted by Congress. This hope seemed to be daily growing fainter. Should the enforcing bill not be carried into effect against the nullifiers, the tariff was still menaced by the Federal administration, hostile to the protective system.

At this juncture, Henry Clay, deeply impressed with the importance of the crisis, stepped forward to reconcile conflicting interests and to avert the dire consequences which would result from the further delay of an adjustment. On the eleventh of February he introduced his celebrated Compromise Bill, providing for a general reduction of duties until 1842, when twenty per cent. at a *home* valuation should be the rate, "until otherwise regulated by law."

Mr. Clay introduced this bill with some pertinent and impressive remarks, in which he deplored the distracted and portentous condition of the country, and appealed strongly to the patriotism and good sense of Congress to apply a remedy. The bill underwent a long and vehement discussion.

The Southern Senators had declared that they would be content with whatever would satisfy the South Carolina Senators. Mr. Calhoun had manifested strong objections to the "home valuation." Mr. Clay told him that he must concur in it, or the measure would be defeated. Mr. Calhoun appeared very reluctant to do so; and Mr. Clay went to the

Senate on the day when the bill was to be decided, uncertain as to what its fate would be. When the bill was taken up, Mr. Calhoun rose in his place and agreed to the home valuation, evidently, however, with reluctance.

Two great leading motives operated with Mr. Clay in bringing forward and supporting his measure of compromise. The first was, that he believed the whole protective policy to be in the most imminent peril from the influence of General Jackson and the dominion of his party.

Another leading motive with Mr. Clay, in proposing the compromise, was *to restore harmony, and preserve the Union from danger; to arrest a civil war, which, beginning with South Carolina, he feared might spread throughout all the Southern States.*

It may be added that a third and powerful motive, which he felt intensely, although he did not always avow it, was *an invincible repugnance to placing under the command of General Jackson such a vast military power as might be necessary to enforce the laws and put down any resistance to them in South Carolina, and which might extend he knew not where.* He could not think, without the most serious apprehensions, of intrusting a man of his vehement passions with such an immense power.

The compromise bill passed the House February 26, 1833, by a vote of 120 to 84. It passed the Senate, the ensuing 1st of March, by a vote of 29 to 16 —Mr. Webster voting against it. Mr. Clay was now once more hailed as the preserver of the Republic— as the great pacificator. The dark, portentous cloud

big with civil discord and disunion, which had been hanging over the country, rolled away and was scattered. The South and the North were reconciled; and confidence and prosperity were restored. Is not such a civic triumph worth all the pæans ever shouted in the ears of a military conqueror? It placed Mr. Clay in a commanding and elevated position—and drew upon him the eyes of the whole nation, as a liberal, sound, and true-hearted statesman, in whose hands the interests of all sections would be safe.

In the autumn of 1833, Mr. Clay, accompanied by his wife, fulfilled a design which he had long contemplated, of visiting the eastern cities. His journey was one continued ovation.

The multitudes of citizens who met, followed, and waited upon him at every point, in rapid succession, indicated how large a space he occupied in the public heart. As he said in one of the numerous speeches which he was called upon to make, during his tour, "he had been taken into custody, made captive of, but placed withal in such delightful bondage, that he could find no strength and no desire to break away from it."

Mr. Clay's course in regard to the public lands presents a striking illustration of his patriotic disinterestedness, and self-sacrificing devotion to the cause of justice. The characteristic traits which he displayed upon this question, remind us of an anecdote of him, related, a few years since, by that eminent statesman and high-minded Whig, William C. Preston, in a speech at Philadelphia. "On one occa-

sion," said Mr. P., "he did me the honor to send for and consult with me. It was in reference to a step* he was about to take, and which will, perhaps, come to your minds without more direct allusions. After stating what he proposed, I suggested whether there would not be danger in it—whether such a course would not injure his own prospects as well as those of the Whig party in general? His reply was—'I did not send for you to ask what might be the effects of the proposed movement *on my prospects, but whether it is right.* I WOULD RATHER BE RIGHT THAN BE PRESIDENT.'"

On March 22, 1832, Mr. Bibb, of Kentucky moved an inquiry into the expediency of reducing the price of the public lands. Mr. Robinson of Illinois, moved a further inquiry into the expediency of transferring the public territory to the States within which it lies, upon reasonable terms. With the view of embarrassing Mr. Clay, these topics were inappropriately referred, by the administration party, to the Committee on Manufactures, of which he was a member. It was supposed by his enemies, that he would make a "bid for the presidency," by favoring the interested States at the expense of justice and sound policy. In about three weeks after the matter was referred to the committee, he presented to Congress a most luminous, able, and conclusive report, and in the bill appended to it, arranged the details of a wise and equitable plan, which no subsequent legislation was able to improve.

Mr. Clay regarded the national domain in the light

* His speech on slavery and the reception of abolition petitions.

of a "common fund," to be managed and disposed of for the "common benefit of all the States." This property, he thought, should be prudently and providently administered; that it should not be wantonly sacrificed at inadequate prices, and that it should not be unjustly abandoned, in violation of the trust under which it was held, to a favored section of the country. These principles were the basis of his bill.

The introduction of the report and bill, created no little surprise and excitement to the Senate. It was hardly expected of a candidate for the presidency, that he should have so promptly and peremptorily rejected the opportunity, thus temptingly presented, of bidding for the votes of the new States, by holding out the prospect, at least, of aggrandizement. But on this subject, as on all others, Mr. Clay took the broad national ground.

The land bill was made the special order for the 20th of June. The late period of the session at which it was sent to the House, and the conflict of opinion in that body, in respect to some of its provisions, enabled the administration to effect its postponement to the first Monday of the following December.

This, of course, was equivalent to its rejection. But such were the wisdom and obvious equity of its provisions, and so highly did it commend itself to the good sense of the people, that the administration party were compelled to yield to the uncontrollable force of public opinion. At the next session, therefore, of Congress, the bill was taken up, and sent to the President for his approval.

Notwithstanding the unprecedented favor which it had found among the immediate representatives of the people, it was "trampled," as Mr. Benson subsequently boasted, under the "big foot of President Jackson," and vetoed.

The second of May, 1834, Mr. Clay made a report from the Committee on Public Lands, in relation to the President's return of the land bill. In this paper he exposes with great ability the inconclusiveness of the President's reasons in his veto message. For some ten years Mr. Clay was the vigilant, laborious, and finally successful opponent of the monstrous project of the administration for squandering the public domain and robbing the old States. To his unremitted exertions we shall have been indebted for the successful defeats of the advocates of the plunder system, and for the final adjustment of the question according to his own equitable propositions. By this adjustment, all sections of the country are treated with rigid impartiality. The interest of no one State is sacrificed to that of the others. The West, the North, the South, and East, all fare alike. A more wise and provident system could not have been devised. It will stand as a perpetual monument of the enlarged patriotism, unerring sagacity, and uncompromising justice of its author.

CHAPTER XII

The Bank Struggle.

For twelve years, the country was kept in a fever of perpetual excitement, or in a state of alternate paralysis and convulsion, by the agitation of the currency question. General Jackson found us in 1829 in a condition of general prosperity. The government was administered with republican economy. The legislature, the judiciary, and the executive, every one wielding its constitutional powers, moved on harmoniously in their respective spheres; and the result was a system that secured the happiness of the people and challenged the admiration of the civilized world. Commerce, agriculture, manufactures, and the mechanic arts, flourished; lending mutual aid, and enjoying a common prosperity, fostered by the government, and diffusing blessings among the community. The banking system was sound throughout the States. Our currency was uniform in value, and the local banks were compelled to restrict their issues to their ability of redemption in specie.

In 1830, General Jackson commenced his "humble efforts" for improving our condition. He advised, in his message of that year, the establishment of a treasury-bank, with the view, among other things, of "strengthening the States," by leaving in their hands "the means of furnishing the local paper currency

through their own banks." Congress passed a bill for the recharter of the United States Bank. This bill was peremptorily *vetoed* by General Jackson, who condemned it as premature, and modestly remarked in regard to a bank, "Had the Executive been called upon to furnish the project of such an institution as would be constitutional, the duty would have been cheerfully performed."

Mr. Clay was one of the foremost in denouncing the extraordinary doctrines of this veto message. On the 12th of July, 1832, he addressed the Senate upon the subject. We have already given an exposition of his views upon the question of a bank. They are too well-known to the country to require reiteration in this place. They have been frankly avowed on all fitting occasions. Touching the veto power, that monarchical feature in our constitution, his opinions were such as might have been expected from the leader of the Democratic party of 1815. He considered it irreconcilable with the genius of a representative government and cited the constitution of Kentucky, by which, if after the rejection of a bill by the Governor, it shall be passed by a majority of all the members elected to both houses, it becomes a law notwithstanding the Governor's objection.

During the session of 1832-33, General Jackson declared that the public deposits were not safe in the vaults of the United States Bank, and called upon Congress to look into the subject, and to augment what he then considered the "limited powers" of the Secretary of the Treasury over the public money. Congress made the desired investigation and the

House of Representatives, by a vote of 109 to 46, declared the deposits to be perfectly safe. Resolved on gratifying his feelings of personal animosity toward the friends of the bank, General Jackson did not allow his explicit declaration on the part of the immediate agents of the people to shake his despotic purpose. During the autumn of 1833, he resolved upon that most arbitrary of arbitrary measures, the removal of the deposits. The cabinet council to whom he originally proposed this measure, are said to have disapproved of it in the most decided terms. Mr. McLane, the Secretary of the Treasury, refused to lend it his assistance. He was accordingly translated to the office of Secretary of State, and William J. Duane, of Philadelphia, took his place at the head of the Treasury Department. On the 20th of September, 1833, it was authoritatively announced to the public that the deposits would be removed. The next day, Mr. Duane made known to the President his resolution neither voluntarily to withdraw from his post, nor to be made the instrument of illegally removing the public treasures. The consequence was, the rude dismission of the independent Secretary from office, on the 23d of September. Mr. Taney, who had sustained the views of the President, was made his successor; and the people's money was removed from the depository where the law had placed it, and scattered among irresponsible State institutions under the control of greedy partisans.

The congressional session of 1833-34 was one of extraordinary interest, in consequence of the discussion of this high-handed measure.

On the 26th of December, 1833, Mr. Clay laid the following resolutions before the Senate:

"1. *Resolved*, That, by dismissing the late Secretary of the Treasury, because he would not, contrary to his sense of his own duty, remove the money of the United States in deposit with the Bank of the United States and branches, in conformity with the president's opinion, and by appointing his successor to effect such removal, which has been done, the president has assumed the exercise of a power over the treasury of the United States not granted by the Constitution and laws, and dangerous to the liberties of the people.

"2. *Resolved*, That the reasons assigned by the Secretary of the Treasury for the removal of the money of the United States from the United States bank and its branches, communicated to Congress on the third day of December, 1833, are unsatisfactory and insufficient."

Mr. Clay's speech in support of the resolutions, was delivered partly on the 26th, and partly on the 30th of December; and it is one of the most masterly efforts of eloquence ever heard within the walls of the Capitol?

The resolution having been referred to the Committee on Finance, at the head of which was Mr. Webster, was reported with a recommendation that it be adopted. The question upon the resolution was not taken till the 28th of March, when it was passed by the Senate, 28 to 18. At the instance of some of his friends, Mr. Clay then modified his other resolution, so as to read as follows:—

"*Resolved*, That the president in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

The resolution was adopted.

The passage of Mr. Clay's resolution drew forth from the President the celebrated protest, which was communicated to the Senate, the 17th of April, 1833. This document was of a most novel and unprecedented character, and gave rise to debates, which will always be memorable in our legislative annals. The assumptions of the President were truly of a kind to excite alarm among the friends of our republican system. In this extraordinary paper he maintains, that he is responsible for the acts of every executive officer, and that *all* the powers given by law are vested in him as the head and fountain of all. He alludes to the Secretary of the Treasury as *his* secretary, and says that Congress cannot take from the Executive the control of the public money. His doctrine is, that the President should, under his oath of office, sustain the Constitution *as he understands it;* not as the judiciary may expound, or Congress declare it. From these principles he infers that all subordinate officers are merely the executors of his supreme will, and that he has the right to discharge them whenever he may please.

These monstrous and despotic assumptions, transcending as they do the prerogatives claimed by most of the monarchs of Europe afforded a theme for eloquent discussion, which was not neglected by the opposition, who then constituted the majority in the Senate. Mr. Poindexter, of Mississippi, protested against the reception of such a paper from the President; and moved that it be not received.

On the 21st of April another message was received

from the President, being a sort of codicil to the protest, in which he undertook to explain certain passages, which he feared had been misapprehended. Mr. Poindexter withdrew his original motion, and substituted four resolutions in which it was embodied. These resolutions were modified by Mr. Clay, and an amendment suggested by Mr. Calhoun was adopted. Messrs. Clayton, Webster, Preston, Ewing, Mangum, and others, addressed the Senate eloquently on various occasions upon the subject of the protest and, on the 30th of April, Mr. Clay, the resolution of Mr. Poindexter still pending, made his well-known speech.

The resolutions of Mr. Poindexter passed the Senate by a vote of 27 to 16 on the 7th of May. They exclude the protest from the journals, and declare that the President of the United States has no right to send a protest to the Senate against any of its proceedings.

Immediately after the withdrawal of the public money from the United States Bank, and before the "pet banks," to which the treasure had been transferred, had created an unhealthy plethora in the currency by their consequent expansions, the distress among the people began to manifest itself in numerous memorials to Congress, protesting against the President's financial experiments, and calling for relief. Many of these memorials were communicated to the Senate through Mr. Clay, and he generally accompanied their presentation with a brief but pertinent speech.

This session, generally known as the "panic ses-

sion," was one of the most remarkable that have ever occurred in the progress of our Government. Never was there collected in the Senate a greater amount of eminent ability. For weeks together the Whigs poured forth a torrent of eloquent denunciations, in every form, against that high-handed measure, the removal of the deposits. This was most generally done on the occasion of presenting petitions or memorials from the people against it. Go into the Senate-Chamber any morning during this interesting period, and you would find some Whig on his feet, expatiating on the pernicious consequences of that most disastrous proceeding. It was then that they predicted the evil effects of it, since so fatally and exactly realized. Mr. Clay was among the most active and eloquent of these distinguished champions of the people.

CHAPTER XIII

Difficulty with France.—Indian Wrongs.

THE most important question which came before Congress at its second session, in 1834-35, was that of our relations with France. The claims of our citizens upon that government for aggressions upon our commerce between the years 1800 and 1817, had been repeatedly admitted; but no decided steps toward a settlement had been taken until the 4th of July, 1831, when a treaty was ratified, by which it was agreed, on the part of the French, that the sum of twenty-five millions of francs should be paid to the United States as an indemnity. By the terms of the treaty, the first instalment was to be paid at the expiration of one year after the exchange of the ratifications.

The French Government having failed in the performance of this stipulation—the draft of the United States for the first instalment having been dishonored by the Minister of Finance—President Jackson, in his message of December, 1834, to Congress, recommended that, in case provision should not be made for the payment of the debt at the approaching session of the French chambers, a law should be passed authorizing reprisals upon French property. This was a step not to be precipitately

taken; and, to insure its patriotic, dispassionate, and statesmanlike consideration, the Senate placed Mr. Clay at the head of the Committee on Foreign Relations, to which committee that part of the President's message relating to our affairs with France was referred.

On the 6th of January, 1835, Mr. Clay made his celebrated report to the Senate. It was read by him from his seat, its reading occupying an hour and a half; the Senate-Chamber being thronged during its delivery by members of the House, and the galleries filled to overflowing. The ability displayed in this extraordinary document, the firmness and moderation of its tone, the perspicuous arrangements of facts which it presents, the lucidity and strength of its style, and the inevitable weight of its conclusions, called forth the admiration and concurrence of all parties. It would seem to have been, under Providence, the means of averting a war with France. In the preparation of it, Mr. Clay had a difficult and delicate task to perform; and it was accomplished with great ingenuity and success. Not a word that could lower the national tone and spirit was indulged in. He eloquently maintained that the right lay on our side, but admitted that the French king had not been so far in the wrong that all hopes of the execution of the treaty were extinct, nor did he consider that hostile measures were yet justifiable. This temperate, judicious, firm, and statesmanlike language, while it removed all cause of offence on the part of the French, imparted new renown to our own diplomacy. While it was all that the most chivalrous

champions of their country's honor could ask, it breathed a spirit which called forth the full approbation of the friends of peace.

The Senate ordered twenty thousand copies of this admirable report to be printed, and it was soon scattered to the remotest corners of the Union. The rates of insurance were at once diminished, commerce spread her white wings to the gale, and swept the ocean once more unchecked by the liabilities of a hostile encounter. The depression in business produced by the President's belligerent recommendation was at once removed.

On the 14th of January, Mr. Clay, pursuant to previous notice, called for the consideration of the report of the Committee on Foreign Relations, and its accompanying resolution. He spoke for nearly an hour, and his remarks were in the same moderate, magnanimous and truly American strain, which characterized his report.

The following resolution was at length unanimously passed by the Senate:

"*Resolved,* That it is inexpedient at present to adopt any legislative measure in regard to the state of affairs between the United States and France."

The unanimous passage of this resolution was a result as gratifying as it was unexpected; and its effect upon the French chambers, in neutralizing the harsh language of the President, and hastening the execution of the treaty, was most auspicious.

On the 4th of February, 1835, Mr. Clay made a brilliant and impressive speech in the Senate, upon

the subject of a memorial, which he presented from certain Indians of the Cherokee tribe. The memorial set forth, in eloquent and becoming terms, the condition of the tribe, their grievances and their wants. It seemed that of the remnant of this people then in Georgia, one portion were desirous of being aided to remove beyond the Mississippi, and the other wished to remain where they were, and to be removed from the rigid restrictions which the State of Georgia had imposed upon them. In his remarks, Mr. Clay eloquently alluded to the solemn treaties by which the possession of their lands had been secured to these Indians by our Government. The faith of the United States had been pledged that they should continue unmolested in the enjoyment of their hunting-grounds. In defiance of these sacred stipulations, Georgia had claimed jurisdiction over the tribe —had parcelled out their lands, and disposed of them by lottery—degraded the Cherokees to the condition of serfs—denied them all the privileges of freedom, and rendered their condition infinitely worse than that of the African slave. It was the interest, as well as the pride of the master, to provide for the health and comfort of his slave; but what human being was there to care for these unfortunate Indians?

To General Jackson's administration, we are indebted for the system which makes the offices of the Federal Government the rewards of political partisanship, and proscribes all incumbents who may entertain opinions at variance with those of the Executive. The patronage of the press, the patronage of

the post office, the patronage of the custom house, with its salaries, commissions, and fees—the patronage of the land office, with its opportunities of successful speculation—these formed the stronghold and citadel of corrupt power. On the eighteenth of February, 1835, Mr. Clay addressed the Senate in support of the bill for the abatement of Executive patronage. His speech contains a striking exposition of the evils resulting from the selfish and despotic exercise, on the part of the Chief Magistrate, of the appointing and removing power, and is pervaded by that truly democratic spirit which has characterized all the public acts of the author.

CHAPTER XIV

Public Lands.—Specie Circular.—Expunging Resolve.

Our affairs with France occupied a considerable portion of President Jackson's message to the Twenty-fourth Congress at its first session. Mr. Clay was again replaced at the head of the Committee on Foreign Relations.

On the 8th of February, 1836, a message from the President was received, announcing that the government of Great Britain had offered its mediation for the adjustment of the dispute between the United States and France. The message was referred to the Committee on Foreign Affairs; and on the 22d of February, a correspondence between the Secretary of State and Mr. Bankhead, on the subject of British mediation, was submitted. This gave occasion for some remarks from Mr. Clay, who said that he could not withhold the expression of his congratulation to the Senate, for the agency it had in producing the happy termination of our difficulties with France. If the Senate had not, by its unanimous vote of last September, declared that it was inexpedient to adopt any legislative action upon the subject of our relations with France if it had yielded to the recommendations of the Executive in ordering reprisals against that power, it could not be doubted but that

war would have existed at that moment in its most serious state.

Mr. Clay renewed his exertions in behalf of his land bill during this session. The bill, essentially the same as that vetoed by General Jackson, passed the Senate the 4th of May, 1836, by a vote of twenty-five to twenty, and was sent to the House. But the influence of the Executive was too potent here yet to admit of the passage of a measure which, though approved by the majority, was opposed by the President because of its having originated with Mr. Clay.

The question of the right of petition came before the Senate early in the session. On the 11th of January, Mr. Buchanan presented a memorial from a religious society of Friends in Pennsylvania, requesting Congress to abolish slavery and the slave-trade in the District of Columbia. He moved that the memorial should be read, and the prayer of the memorialists be rejected. Mr. Calhoun demanded that the question should be first taken whether the petition be received or not; and a debate, which was prolonged at various intervals till the 9th of March, sprang up on this preliminary question. Before the question was taken, Mr. Clay briefly explained his views. On the subject of the right of Congress to abolish slavery in the District he was inclined to think, and candor required the avowal, that the *right did exist;* though he should take a future opportunity of expressing his views in opposition to the expediency of the exercise of that power. He expressed his disapprobation of the motion to receive and im-

mediately reject, made by the Senator from Pennsylvania (Mr. Buchanan). He thought that the right of petition required of the servants of the people to examine, deliberate, and decide, either to grant or refuse the prayer of a petition, giving the reasons for such decision; and that such was the best mode of putting an end to the agitation of the public on the subject.

The question "Shall the petition be received?" being taken, was decided in the affirmative.

A report from the Secretary of the Treasury, showing the condition of the deposit banks, came before the Senate for consideration, the 17th of March, 1836. Mr. Clay forcibly depicted, on this occasion, the total insecurity of the vast public treasure in the keeping of these banks. What was then prophecy became history soon afterward. "Suppose," said he, "a great deficiency of Southern crops, or any other crisis creating a necessity for the exportation of specie to Europe, instead of the ordinary shipments. *These banks would be compelled to call in their issues. This would compel other banks to call in, in like manner, and a panic and general want of confidence would ensue.* Then what would become of the public money?" It is unnecessary to point to the fulfilment of these predictions. Soon after the deposits were removed to the pet banks, they became the basis of vast land speculations, into which all who could obtain a share of the government money, plunged at once heels over head; postmasters, custom-house officers, navy agents, pet-bank directors, cashiers and presidents, district attorneys, govern-

ment printers, Secretaries of State, Postmasters-General, Attorneys-General, President's secretaries, and all the innumerable stipendiaries of the administration. It was this wild speculation, fostered and conducted by the facilities of the deposit banks, that filled the Treasury with unavailable funds. The experiment terminated, as Mr. Clay prophesied it would terminate, in universal bankruptcy.

Mr. Clay spoke on a variety of questions during the session of 1834-35; on the recognition of the independence of Texas, on the motion to admit the Senators from Michigan on the floor, and the recognition of that clause in the constitution of Michigan, which he conceived to give to aliens the right to vote on the resolution of Mr. Calhoun to inquire into the expediency of such a reduction of duties as would not affect the manufacturing interest; on the fortification bill, etc. Congress adjourned the 4th of July, 1836.

So fixed was Mr. Clay's wish at this time to withdraw from public life, that he had at one period, in 1836, made up his mind to resign. It is certain that he looked forward with confidence to declining a re-election. But during the winter of 1836, he was re-elected a Senator from Kentucky for six years from the ensuing 4th of March.

The Jackson administration had now a majority in the Senate. That noble phalanx of Whigs, who had so undauntedly withstood the usurpations of the Executive, could now only operate as a minority. One of the first acts of Mr. Clay, was to reintroduce his land bill, which, however, after much debating, made no progress.

On the 25th of February, the bill from the Committee on Finance, to alter and amend the several acts imposing duties on imports, being before the Senate, Mr. Clay spoke against the measure at some length. His principal objection arose from what he conceived to be the interference of some of the provisions of the bill with the compromise act of 1833.

He drew a striking parallel between the compromise act of 1833 as to the protective system, and that other compromise act which settled the much-agitated Missouri question, and by which the latitude of 36 degrees 30 minutes, was established as the extreme boundary for the existence of slavery in that State. Had not Congress a right to repeal that law? But what would those Southern gentlemen, who now so strenuously urged a violation of our implied faith in regard to the act of 1833, say if a measure like that should be attempted? But the bill was the same day passed by a vote of 27 to 18.

On the 12th of January, a resolution, offered by Mr. Benton to *expunge* from the journals of the Senate for 1833-34, Mr. Clay's resolution censuring President Jackson for his unauthorized removal of the public deposits, came before the Senate for consideration; and on the 16th Mr. Clay discussed the question at considerable length. His speech was in a strain of mingled sarcasm and indignant invective, which made the subservient majority writhe under its scorching power. Never was a measure placed in a more contemptible light than was the *expunging* proposal by Mr. Clay. Those who heard him, can never forget the look and tone, varying from an ex-

pression of majestic scorn to one of good-humored satire, with which he gave utterance to the following eloquent passages:—

"What patriotic purpose is to be accomplished by this expunging resolution? Can you make that not to be which has been? Can you eradicate from memory and from history the fact that in March, 1834, a majority of the senate of the United States passed a resolution which excites your enmity? Is it your vain and wicked object to arrogate to yourself the power of annihilating the past which has been denied to Omnipotence itself? Do you intend to thrust your hands into our hearts, and pluck out the deeply rooted convictions which are there?"

This expunging resolution was passed by the administration's majority.

CHAPTER XV

The Sub-Treasury.—Northern Tour.

Mr. Clay had uniformly discouraged the attempts of his friends to induce him to become a candidate for the presidency in the campaign of 1836. He saw the unhappy diversity in the ranks of the opposition; and he saw, perhaps, the inevitable ability of the Jackson dynasty to perpetuate itself in the elevation of Mr. Van Buren. So potent had the Executive become, through usurpation and the abuse of patronage!

On the 8th of February it was declared that Martin Van Buren had been duly elected President of the United States, for four years from the 4th of March, 1837.

It had been hoped by many that under Mr. Van Buren a less destructive policy would be adopted than that which had signalized the *reign* of the "hero of New Orleans." For the last eight years the country had been governed by Executive edicts. Congress had always been disposed to do right, but it had been thwarted by a domineering and usurping Executive. The will of the people, constitutionally avowed, had been constantly defeated by the imperious and impetuous objections of *one* fallible and passionate old man.

Congress passed Mr. Clay's land bill; but the Executive destroyed it.

Congress said that the deposits were safe in the Bank of the United States; the Executive removed them.

Congress refused to issue a specie circular; it was issued by the Executive.

Congress rescinded the specie circular; and the Executive defeated that rescission.

Now the doctrine of Thomas Jefferson, as adopted and always acted upon by Henry Clay, is, that THE WILL OF THE MAJORITY HONESTLY EXPRESSED, SHALL GIVE LAW. But Congress had no influence in the government during the pernicious ascendency of Jacksonism. It came together to pass appropriation bills, and register the decrees of the Chief Magistrate.

The hopes that had been entertained of a reform under Mr. Van Buren had proved fallacious; but his attempt to march in the "seven-leagued boots" of his predecessor speedily resulted in a ridiculous failure. He was tripped up at the very start.

The disastrous condition in which the country was left by the "hero of New Orleans," whose "humble efforts" to improve the currency had resulted in the universal prostration of business, and a suspension of specie payments, called upon his successor in the presidential chair for some immediate measure of relief. On the 5th of May, 1837, Mr. Van Buren issued his proclamation ordering an extraordinary session of Congress, to commence the first Monday in September. In accordance with that proclama-

tion, both houses of Congress met at the Capitol on the day appointed; and the message recommending the SUB-TREASURY SYSTEM for the deposit, transfer, and disbursement of the public revenue, was transmitted by the President.

By this project, the Treasury of the United States, the treasures of the mint and its branches, collectors, receivers, postmasters, and other office-holders, were commissioned to receive in specie, and keep, subject to the draft of the proper department, all public moneys, coming into their hands, instead of depositing them, as heretofore, in banks. Among the earliest and most prominent advocates of this measure was Mr. Calhoun, who suddenly found himself one of the leaders of a party, which for the last five or six years he had been denouncing as the most corrupt that had ever cursed a country.

The bill was taken up in the Senate, the 20th of September; and on the 25th, Mr. Clay spoke in opposition to this audacious and anti-republican scheme. In this admirable speech he went at length into an examination of the causes that had led to the existing disastrous state of public affairs. To the financial experiments of General Jackson, he traced back unerringly the consequent inflation of the currency—the wild speculations, which had risen to their height when they began to be checked by the preparations of the local banks, necessary to meet the deposit law of June, 1836—the final suspension of specie payments—and all the disorders in the currency, commerce, and general business of the country, that ensued. He then gave his objections to the scheme be-

fore the Senate. It proposed one currency for the government and another for the people. As well might it be attempted to make the government breathe a different air, be lit and warmed by a different sun, from the people! A hard-money government, and a paper-money people! A government, an official corps—the servants of the people—glittering in gold, and the people themselves—their masters—buried in ruin, and surrounded by rags! By the proposed substitution of an exclusive metallic currency for the mixed medium, all property would be reduced in value to one-third of its present nominal amount; and every debtor would in effect have to pay three times as much as he had contracted for. Then there was the security of the system—the liability to favoritism in the fiscal negotiations—the fearful increase of Executive patronage—the absolute and complete union of the purse and the sword in the hands of the President! All these objections were most powerfully elucidated and enforced by Mr. Clay.

He then proceeded to declare what he believed to be the only efficient measure for restoring a sound and uniform currency, which was a United States bank, established under such restrictions as the lights of recent experience might suggest. "But," said Mr. Clay, "if a national bank be established, its stability and its utility will depend upon the general conviction which is felt of its necessity. *And until such a conviction is deeply impressed upon the people, and clearly manifested by them, it would, in my judgment, be unwise even to propose a bank.*"

On the 4th of October, the sub-treasury bill, after undergoing various amendments, was read a third time and passed by the Senate by a vote of 25 to 20. It was taken up in the House on the 10th of October, and, on the 14th, *laid on the table* by a vote of 120 to 107.

The defeat of this measure, in the teeth of the Executive recommendation, in spite of Executive blandishment and terrors—the triumph of the majority without doors over the majority within, and of both over patronage and power—revived the dying hopes of the patriot, and infused new life into our constitution. The sceptre of misrule had crumbled. The dynasty, which for nearly nine years had misruled the country, received, on that occasion, its immedicable wound.

The extra-session lasted six weeks—Congress adjourning on the morning of the 16th of October. The measure, on which the hopes and fate of the administration were staked, had been defeated.

The abolition question was agitated in the Senate during the last session of the Twenty-fifth Congress. Mr. Clay had been urged by many of his friends to refrain from speaking on the subject. It was represented to him as impolitic, superfluous, and likely to interfere with his presidential prospects. Such arguments could have no weight with him.

His whole course upon this perilous question, has been that of the honest, upright, practical, and consistent statesman, the true philanthropist, the sagacious and devoted patriot. When Mr. Calhoun introduced, in the session of 1835-36, his bill to give

postmasters and their deputies a power of inspection and *espionage* over the mails—the bill which was passed to its third reading by the casting vote of Martin Van Buren—it met with the prompt and decided condemnation of Mr. Clay. No man has more vigilantly watched the sacred right of petition than Mr. Clay. He has condemned, on all occasions, the refusal of the Senate to receive petitions. His speech of February, 1839, yields to the abolitionist all that they have a right to demand, and is at the same time so liberal in its doctrines, as to disarm the ultraism of Southern hostility. Mr. Calhoun himself was compelled to admit his acquiescence in the soundness of its doctrines, and the security which their adoption would promise to the Union.

In the summer of 1839, Mr. Clay visited Buffalo, and passing into Canada, made an excursion to Montreal and Quebec. Returning, he visited the City of New York. He had the previous summer been invited, at an enthusiastic meeting of his friends at Masonic Hall, to visit the city, but had been unable to comply with their invitation. His reception, at the period to which we now refer, was one of the most brilliant ever extended to a public man.

CHAPTER XVI

The Harrisburg Convention.—The Campaign.

As the period of another presidential election drew near, that vast portion of the democracy of the land, opposed to the administration of Mr. Van Buren, began to turn their eyes again toward the most able, renowned and consistent of their leaders, Henry Clay, as a fitting candidate for the Chief Magistracy of the United States.

The Whig convention for the nomination of a presidential candidate met at Harrisburg, on the 4th of December, 1839. A decided plurality of the delegates who attended, were in favor of the nomination of Mr. Clay, but a larger number were divided in their preferences between General William Henry Harrison, who had been the candidate of the Northern Whigs in the previous canvass, and General Winfield Scott, whose name was now for the first time presented. Yet all, or nearly all, fully admitted Mr. Clay's preëminent fitness and worth; they opposed his nomination avowedly on the ground that he could not probably be elected, while another could be. Very many of these bitterly regretted, after the country had fallen into the hands of John Tyler, that they had not taken the risk, if risk there were, of nominating the great Kentuckian.

General Harrison was nominated for the presi-

dency, and the convention unanimously nominated John Tyler, of Virginia, for the vice-presidency; and, having taken this step, adjourned.

A deep disappointment was felt throughout the Whig ranks at the failure of the convention to nominate Mr. Clay for the presidency; but the magnanimous sentiments expressed in his letter, read at the convention, soon began to animate his friends; and they manifested their devotion to principles rather than to men, by rallying vigorously in support of the selected candidates.

With regard to John Tyler, he was very imperfectly known out of Virginia; and if little could be said in his favor, still less could be said to his prejudice.

Mr. Clay's efforts in the Whig cause appear not to have been less ardent, incessant, and faithful, during the congressional session of 1839-40, than at any previous period of his career. The just expectations of his friends had been thwarted at Harrisburg; but that circumstance did not seem either to affect his spirits, or to damp the ardor of his opposition to that policy which he believed injurious to the best interests of his country. He acquiesced promptly, heartily, and nobly, in the nomination of General Harrison, and did not manifest, on any occasion, a lurking feeling of disappointment.

The principal questions on which he spoke in the Senate during the session of 1839-40 were: on the abolition of slavery; on the bankrupt bill; the Maine boundary line; Mr. Calhoun's bill to cede the public lands to the States in which they lie; the navy appropriation bill; the independent treasury bill; the

branch mints; the expenditures of government; the Cumberland road; repeal of the salt tax; and the bankrupt bill.

Mr. Clay was among the most active of those who took part in the campaign of 1840 which terminated in the complete triumph of the Whigs. On the 17th of August, 1840, he addressed the Harrison convention at Nashville, Tennessee, in an interesting and eloquent speech. In allusion to the professions of the Van Buren party to be democrats *par excellence,* he very happily said: "Of all their usurpations, I know of none more absurd than the usurpation of this name."

"I WAS BORN A DEMOCRAT," said he, subsequently in a speech delivered in Indiana—"rocked in the cradle of the Revolution—and at the darkest period of that ever-memorable struggle for freedom. I recollect, in 1781 or 1782, a visit made by Tarleton's troops to the house of my mother, *and of their running their swords into the new-made graves of my father and grandfather, thinking they contained hidden treasures.* Though then not more than four or five years of age, the circumstance of that visit is vividly remembered, and it will be to the last moment of my life. I was born a democrat—was raised and nurtured a republican—and shall die a republican in the faith and principles of my fathers."

CHAPTER XVII

The Twenty-seventh Congress.—Tylerism —Retirement.

THE election of General Harrison to the presidency in the autumn of 1840, by an immense majority, was hailed by the Whigs as the triumphant consummation of their long and arduous twelve years' struggle against the destructive principles and measures which had prevailed during the ascendency of Jackson and Van Buren. A majority of the people had at length passed their solemn verdict against those measures, and in favor of the legislation for which Mr. Clay and the Whigs in Congress had been so unanimously contending. Before commencing his journey to the seat of government, General Harrison visited Mr. Clay, and personally tendered him any office in the President's gift. Mr. Clay respectfully declined all invitations of this kind and announced his intention of retiring from the Senate as soon as the objects for which he and his friends had been laboring so strenuously were placed in a train of accomplishment.

The session of Congress preceding the new President's installation, found Mr. Clay at his post, still prompt and active in the service of his country. On the land bill—the repeal of the sub-treasury—the bill to establish a uniform system of bankruptcy—the

treasury-note bill—the preëmption and distribution project—and other important questions, he addressed the Senate with his accustomed eloquence and energy.

The second session of the Twenty-sixth Congress terminated on the night of the 3d of March, 1841—the Van Buren men having refused to pass a bankrupt bill, and other important measures. The day after the adjournment, General Harrison was inaugurated President of the United States; and, on the 18th of March, he issued his proclamation for an extra session of Congress, to commence on the last Monday in May. Before that period arrived, and precisely a month after his inauguration, the venerable President departed this life; and, by a provision of the Constitution, John Tyler of Virginia, the Vice-President, was invested with the authority of President of the United States.

The extraordinary session of Congress, convened by the proclamation of the lamented Harrison, took place at the appointed time, the last Monday in May. Mr. Clay at once took active and decided measures for the prompt despatch of the public business. The subjects which he proposed to the Senate, as proper exclusively to engage their deliberations during the extra session, were:—

1st. The repeal of the sub-treasury law.

2d. The incorporation of a bank adapted to the wants of the people and the government.

3d. The provision of an adequate revenue by the imposition of duties, and including an authority to contract a temporary loan to cover the public debt created by the last administration.

4th. The prospective distribution of the proceeds of the public lands.

5th. The passage of necessary appropriation bills.

6th. Some modifications in the banking system of the District of Columbia for the benefit of the people of the district.

In the formation of committees, Mr. Clay was placed at the head of that on finance; and, on his motion, a select committee on the currency, for the consideration of the bank question, was appointed. Of this committee he was made chairman. Early in June, he presented his admirable report of a plan for a national bank; and, after a thorough discussion, the bill was passed, which, on the 16th of August, called forth a veto from President Tyler. On the 19th of the same month, Mr. Clay addressed the Senate on the subject of this veto. His remarks, although apparently made "more in sorrow than in anger," are pervaded by the spirit of unanswerable truth.

The events which succeeded the veto, are too recent in the minds of the people to render a minute enumeration necessary here. They are forcibly summed up in Mr. Adams's excellent report on the President's veto of the revenue bill. A second bank bill, shaped to meet the avowed views of the President, was prepared, passed, and then vetoed. The Cabinet, with the exception of Mr. Webster, resigned; and the great purposes for which the special session of Congress had been called, was defeated by the will of one man, who owed his influential position to his professed attachment to Whig principles, and his declared preference for Mr. Clay as a candidate for the presidency.

Although Mr. Clay's principal measure for the public relief was defeated by the unlooked-for defection of John Tyler, he had the satisfaction of aiding in the repeal of the odious sub-treasury system—in the passage of the bankrupt law—and in the final triumph of his favorite measure, often baffled, but still persevered in, the distribution of the sales of the public lands. By a provision fastened upon this act by the amendment of another, distribution was to cease whenever the average rate of duties on imports should exceed 20 per cent.

A revision of the tariff, rendered necessary by the expiration of the compromise act, was also undertaken. This was the most important subject which engaged the attention of the Twenty-seventh Congress, at its first regular session. To meet the exigency of the occasion, a provisional bill, suspending the operation of the distribution bill for one month, as well in consequence of a lack of funds in the Treasury, as of a desire on the part of Congress to give more mature consideration to the subject of a tariff, was passed. But it encountered still another and another veto from the President.

On the 31st of March, 1842, after one of the longest congressional careers known in our annals, Mr. Clay resigned his seat in the Senate of the United States. It having been previously understood that he would take occasion, in presenting the credentials of his successor, Mr. Crittenden, to make some valedictory remarks, the Senate-chamber was, at an early hour, crowded to its utmost capacity, by members of the other house, and by a large assemblage of citizens and ladies.

It was a memorable address, and Mr. Clay concluded it by invoking, in a tone which thrilled through every heart, the blessings of Heaven upon the whole Senate and every member of it. The hushed suspense of intense feeling and attention, pervaded the crowded assemblage as he sat down. For nearly half a minute after he had finished, no one spoke—no one moved. There was not a dry eye in the Senate-chamber. Men of all parties seemed equally overcome by the pathos and majesty of that farewell. At length, Mr. Preston of South Carolina, rose and remarked, that what had just taken place was an epoch in their legislative history; and, from the feeling which was evinced, he plainly saw that there was little disposition to attend to business. He would, therefore, move that the Senate adjourn.

The motion was unanimously agreed to; but even then the whole audience seemed to remain spellbound by the effect of those parting tones of Mr. Clay. For several seconds no one stirred. "In all probability, we should have remained there to this hour," said an honorable Senator to us recently, in describing the scene, "had not Mr. Clay himself risen, and moved toward the area." And then, at length, slowly and reluctantly the assemblage dispersed.

Shortly after the adjournment, as Mr. Calhoun was crossing the Senate-chamber, he and Mr. Clay encountered. For five years they had been estranged; and the only words which had passed between them had been those harshly spoken in debate. But now, as they thus inadvertently met, the old times came over them. They remembered only their

political companionship of twenty years' standing. The intervening differences which had chilled their hearts toward each other, were forgotten. The tears sprang to their eyes. They shook each other cordially by the hand—interchanged a "God bless you!" and parted. We have alluded elsewhere briefly to this scene. It was a happy sequel to the leading events of the day.

On his return to Kentucky, after retiring from public life, Mr. Clay was received with all those manifestations of enthusiastic affection which it is possible for a grateful constituency to exhibit.

In the Southwest and in the Southeast, where he made tours, he met overwhelming evidences of the general public regard.

At Wilmington, N. C., he addressed the people, and one paragraph of his speech commends him to the confidence of his countrymen of all parties. He said: "I am a Whig: I am so because I believe the principles of the Whig party are best adapted to promote the prosperity of the country. I seek to change no man's allegiance to his party, be it what it may. A life of great length and experience has satisfied me that all parties aim at the common good of the country. The great body of the Democrats, as well as the Whigs, are so from a conviction that their policy is patriotic. I take the hand of one as cordially as that of another, for all are Americans. *I place* COUNTRY *far above all parties.* Look aside from that, and parties are no longer worthy of being cherished."

Several letters from Mr. Clay, on the subject of

the tariff, appeared during the summer of 1843. Nothing could be more explicit and undisguised than the expression of his views. In his reply, dated 13th September, 1843, to a letter from S. F. Bronson, Esq., of Georgia, asking his opinions in regard to the protective policy of 1832, he writes:—

"The sum and substance of what I conceive to be the true policy of the United States, in respect to a tariff, may be briefly stated. In conformity with the principle announced in the compromise act, I think, that whatever revenue is necessary to an economical and honest administration of the general government, ought to be derived from duties imposed on foreign imports. And I believe that, in establishing a tariff of those duties, such a discrimination ought to be made, as will incidentally afford reasonable protection to our national interests.

"I think there is no danger of a high tariff being ever established; that of 1828 was eminently deserving that denomination. I was not in Congress when it passed, and did not vote for it; but with its history and with the circumstances which gave birth to it, I am well acquainted. They were highly discreditable to American legislation, and I hope, for its honor, will never be again repeated.

"After my return to Congress, in 1831, my efforts were directed to the modification and reduction of the rates of duty contained in the act of 1828. The act of 1832 greatly reduced and modified them; and the act of 1833, commonly called the compromise act, still farther reduced and modified them. The act which passed at the extra session of 1841, which I supported, was confined to the free articles. I had resigned my seat in the senate when the act of 1842 passed. Generally the duties which it imposes are lower than those in the act of 1832. And, without intending to express my opinion upon every item of this last tariff, I would say that I think the provisions, in the main, are wise and proper. If there be any excesses or defects in it (of which I have not the means here of judging), they ought to be corrected.

"My opinion, that there is no danger hereafter of a high

tariff, is founded on the gratifying fact that our manufactures have now taken a deep root. In their infancy, they needed a greater measure of protection; but, as they grow and advance, they acquire strength and stability, and consequently, will require less protection. Even now, some branches of them are able to maintain, in distant markets, successful competition with rival foreign manufactures."

By this it will be seen that Mr. Clay, so far from contemplating the expediency of higher and higher duties, believes that the rapid and constant progress of our manufactures tends ever to diminish, instead of to increase, the necessity of decidedly *protective* duties. He never was in favor of a high tariff.

Notwithstanding his clear and unequivocal declarations, the attempt is frequently made to misrepresent Mr. Clay's views in regard to the tariff. Surely there is no longer any excuse for ignorance upon this subject among persons claiming to be intelligent.

CHAPTER XVIII

The Texas Question.—The Contest of 1844.

Mr. Clay's sojourn in Washington, during the spring of 1844, was one of respite from the fatigues of travel and public receptions. Events of interest to the country and to himself, had transpired during the interval of his absence. The question of the annexation of Texas, that fertile source of many woes, had come up; and he had written a most statesman-like letter on the subject. Discussions in regard to him had been started in Congress, with the view of affecting his political prospects; and a Whig convention, assembled at Baltimore, had, on the 1st of May, 1844, nominated Henry Clay for President of the United States and Theodore Frelinghuysen for Vice-President.

Mr. Clay's letter on the Texas question was written while he was partaking the hospitalities of Governor Morehead, at Raleigh, the 17th of April. In this letter, he states the fact that, during his sojourn in New Orleans, he had been greatly surprised by information received from Texas, that in the course of the autumn of 1843, a voluntary overture had proceeded from the Executive of the United States to the authorities of Texas, to conclude a treaty of annexation. To the astonishment of the whole nation, we were now informed that a treaty

of annexation had been actually concluded, and was to be submitted to the Senate for its consideration. If, without the loss of national character, without the hazard of foreign war, with the general concurrence of the nation, without any danger to the integrity of the Union, and without an unreasonable price, the question of annexation were presented, it would appear in quite a different light.

And here the language of Mr. Clay has the emphasis of prophecy: "Of that consequence," he says, "there cannot be a doubt. *Annexation and war with Mexico are identical.*" In conclusion, he remarks: "I consider the annexation of Texas, at this time, without the assent of Mexico, as a measure compromising the national character, involving us certainly in war with Mexico, probably with other foreign powers, dangerous to the integrity of the Union, inexpedient in the present financial condition of the country, and not called for by any general expression of public opinion."

As the period for the nomination of presidential candidates approached, it became more and more apparent that the Texas question was destined to override all others in the coming contest. The bank, the tariff, and all subordinate matters, were merged in the one great issue of the immediate annexation of Texas. Among the Whigs there was a general acquiescence in the views of Mr. Clay on the subject.

Soon after the withdrawal of Mr. Webster from the Cabinet, it began to be rumored that our government had made overtures inviting application from the authorities of Texas for its annexation to the

United States. These overtures, it was said, were at first coolly received by President Houston; but "being again approached, not to say importuned, by the Executive of the United States, he coyly assented to listen to proposals." In the meantime, sedulous efforts were made to bring about that state of public opinion in this country that should favor the movements of the friends of annexation. Insidious appeals were multiplied throughout nearly all the Democratic journals, intended to arouse the jealousy of our people in regard to the designs of foreign powers. It was boldly asserted that England was intriguing with a view of establishing a commercial ascendency over Texas, and that there was great danger that the young republic would yield to the allurements which were held out. The slaveholding States were called upon to protect themselves against the danger of so formidable a rival as Texas would be under the protection of Great Britain. And then there was the pet phrase to which, we believe, Mr. Bancroft first gave currency, of "extending the area of freedom!"

It now appears, from the confessions of President Houston's Secretary of State, Mr. Anson Jones, that our government was not a match for that of Texas in diplomacy. Mr. Jones claims that it was his diplomacy in bringing about the needful state of feeling in this country, which precipitated the annexation movement. He at the same time denies that there was any intrigue with foreign powers injurious to the interests of the United States, or really adverse to ultimate annexation. The joint resolution of the House provided for the admission of Texas into the

Union on certain conditions. The amendment of the Senate, which President Tyler chose to set aside, provided for missions and negotiations, for the arrangement of terms of admission and cession. Mr. Jones is of opinion that the selection by Messrs. Tyler and Calhoun of the House resolutions instead of the Senate amendment was extremely injudicious, and he expresses his surprise that that alternative should have been presented to Texas instead of the other and more peaceful mode presented in the proposition for negotiation.

Twenty-six days after the adjournment of the convention which nominated Mr. Clay, there was another political convention in Baltimore, for the purpose of nominating presidential candidates. It met on the 27th of May, and, after a rather stormy session of three days, nominated, to the surprise of everybody, Mr. James K. Polk of Tennessee, for the presidency. The next day, Mr. George M. Dallas, of Pennsylvania, was nominated by the same body for the vice-presidency; Silas Wright, of New York, having declined the nomination.

In his letter of April 23, 1844, to a committee in Cincinnati, Mr. Polk had remarked: "I have no hesitation in declaring that I am in favor of the *immediate re-annexation of Texas* to the territory and government of the United States." There could not be a doubt that it was for their views on this question, henceforth to be made the predominant one, that Mr. Martin Van Buren was abandoned and Mr. Polk adopted as the candidate. "Let Texas be the watchword," said General Jackson, subsequently, in his letter of June 14, 1844, "and victory is certain."

Mr. Clay's professional labors were not interrupted in consequence of his nomination. Soon after his return to Kentucky he engaged in an important law case, in which he displayed as much zeal and watchfulness in behalf of the interests of his client as if he had just entered upon the practice of the law, and was struggling to gain his first suit.

But now the eventful moment that was to influence the fate of the country for years—perhaps for centuries—was at hand. Never before were vast bodies of the American people so intensely interested in a political result as in that of the presidential election of November, 1844. It came at last, and with crushing effect, to thousands and hundreds of thousands, who had hoped and wished well for the republic. Mr. Clay was defeated—but defeated under circumstances far less mortifying to him than such a triumph as that achieved by his opponent, Mr. Polk, would have been. He was defeated by the grossest and most reckless frauds that were ever perpetrated by the practical enemies of republican liberty. These frauds were alone sufficient to prevent the true verdict of the people from being rendered: but, conjoined with other impositions, they lead us irresistibly to the conclusion that, could an honest expression of the public will have been obtained, it would have been in favor of Mr. Clay by a vast preponderance, not only of the intelligence, but of the legal voters of the country. Indeed, had the illegal votes that were polled in the State of New York alone been cast aside, Mr. Clay would have been the President of the United States.

CHAPTER XIX

The Frauds and Follies of 1844.

The causes of the defeat of the Whigs in the presidential election of 1844, can be distinctly traced without the aid of hypothesis and speculation. Foremost among them we may cite the foreign influence —which, operating principally in the State of New York, was also powerfully felt in Pennsylvania and other States. Early in the canvass, Mr. Brownson, a recent convert to the Roman Catholic religion, the editor of a quarterly review published in Boston, and a writer of no mean abilities, gave the key-note for misrepresentations, which were echoed, with most malignant effect, from Maine to Louisiana. Of Mr. Frelinghuysen he wrote in the following terms:—

"Mr. Frelinghuysen is not only a whig in the worst sense of the term, but he is also the very impersonation of narrow-minded, ignorant, conceited bigotry—a man who attacks religious liberty, demands the unhallowed union of church and state, and contends that the government should legally recognize the religion of the majority, and declare whatever goes counter to that to be *contra bonos mores*. He concentrates in himself the whole spirit of 'Native Americanism,' and 'No Popery,' which displayed itself so brilliantly in the recent burnings of the catholic dwellings, seminaries, and churches, in the city of Philadelphia."

Invective like this, false and flagrant, carried with

them still some speciousness. Mr. Frelinghuysen was well understood to be identified with a sect more earnest, perhaps, than any other in their denunciations of popery and its dangers. We all know the potency of religious prejudices, and how high above mere secular interests a believer will place the interests of the church. The Roman Catholics, embracing probably nine-tenths of our adopted citizens and foreign immigrants, were jealously alive to suspicions and apprehensions such as Mr. Brownson and others, who had their confidence, saw fit to instill. The recollection of General Harrison's death, a month after his installation, and the consequent elevation of the Vice-President to his seat, were fresh in everybody's mind. "Why may not Mr. Frelinghuysen become your President, and, in his Presbyterian zeal, burn your churches and drive away your priests?" was the question asked of thousands of foreigners, legal and illegal voters, with irresistible effect.

A native-American party, too, had suddenly sprung into consequence about this time. The assiduous attempts of the Locofocos [Democrats] to secure by any means, however disorganizing, the foreign vote—the repeated frauds perpetrated by foreigners, falsely claiming to be naturalized, at the polls—the gregarious and anti-American attitude assumed by bodies of them, here and there—the consideration that hordes of immigrants, utterly ignorant of our political system, its workings, and its wants, unable, perhaps, even to read and write, had it in their power, after a brief residence, to vote,

while the intelligent American, with sympathies all awake to his country's interests, well versed in her history, and having a deep stake in her welfare, but who had not passed the age of twenty-one, was debarred from the same privilege—facts and considerations like these, had produced a powerful reaction in the minds of native citizens; and, in the States of New York and Pennsylvania, had given rise to a party, undisciplined, badly organized, and deficient in influential leaders, but exercising great capacities for mischief. All the odium produced in the minds of adopted citizens and foreign illegal voters, by the acts and denunciations of this party, was transferred, most unjustly, to the Whigs and Mr. Clay, while, at the same time, no measure of support was rendered to them by the new organization. Mr. Clay had never identified himself in any degree with the principles of this party. His course toward foreigners and adopted citizens had always been one of extreme liberality. Yet everywhere pains were taken by the opposite party to produce the impression that the Whig and native-American parties were identical.

Another obvious cause of the disastrous result of the election, was the conduct of the Abolition or Liberty party, which derived nine-tenths of its strength from the Whig ranks. There was a time when Mr. James G. Birney might have secured the election of Mr. Clay, and prevented the long train of predicted calamities and crimes, accompanied by bloodshed and affliction, which succeeded the annexation of Texas. But Mr. Birney, the friend of "liberty" and enemy of annexation, threw his influence

in the scale of Mr. Polk, and persisted in running for the presidency, well knowing that he was thereby aiding the election of Polk.

It seemed to be by a fatal perversity, that while at the North, Mr. Clay was represented as an ultra supporter of the institution of slavery, at the South he should be described as an Abolitionist; although, to use his own language, he was "neither one nor the other."

Calumny did its worst in regard to the private and public character of Mr. Clay, as we have already seen; but the political duplicity resorted to by the partisans of Mr. Polk, was productive of far greater mischief. Everywhere at the South, Mr. Polk's claims were based upon the ground of his opposition to a protective tariff, and his pledges in favor of the immediate annexation of Texas. At the North, he was represented as a better friend to the tariff than Mr. Clay; while the issue of annexation was repudiated wherever its unpopularity rendered such a course expedient. Thus, while annexation was the party cry in some sections, and, in fact, the great question of the election, care was taken to disclaim it so far in other sections, that the people should be utterly deceived as to the imminence of the measure.

In the resolutions of the convention which nominated Mr. Polk, there was no allusion, save a very equivocal one, to the tariff. This simply declared, that "justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our

common country"—one of those axiomatic declarations, which, it is obvious, any party might safely adopt. The example of disingenuousness thus given at the convention, was faithfully copied and improved upon by political managers everywhere. At the South, the declaration was made to mean everything; at the North, nothing.

The great and sufficient cause, however, of the defeat of Mr. Clay was the gross, the undeniable frauds practised by agents of the opposite party at the polls. We have spoken of the assiduous attempts made to excite the alarm and the prejudices of foreigners against the Whigs. The effect was to enlist them almost to a man in opposition to Mr. Clay. The month before the presidential election, there was an election for Governor and other State officers in Maryland. The result in the city of Baltimore, showed an increase of votes far beyond any previous ratio. Within a few weeks of the election, not fewer than a thousand naturalization papers had been issued. And it was ascertained that not over forty of the whole number of persons for whom they were procured would vote the Whig ticket! Several convictions for frauds upon the ballot-box took place in the courts, all the culprits being of one political complexion. A poor woman confessed that she had loaned the naturalization papers of her deceased husband to *seventeen different persons,* receiving a dollar in every instance for the use of them. Here were seventeen fraudulent votes accounted for! What a farce seems the elective franchise where such profanations of the freeman's right can be practised—by

persons, too, just landed on our shores, having no patriotic associations with the past history of the country, no knowledge of our public men and public interests, and hardly able to explain the difference between a monarchical and republican form of government!

In State after State there were evidences of fraud no less conclusive.

All the convictions for fraud at the polls in this election were upon one political side, as was all the presumptive evidence of fraud.

In the State of New York alone, there were cast spurious votes enough to defeat the election of Mr. Clay. In Louisiana, Georgia, and Pennsylvania, similar frauds were perpetrated on a smaller scale. Had the true voice of the majority of legal voters in those States been heard, the result would have been favorable to the Whigs. But misrepresentation, brute force, and political immorality prevailed. The subject is an ungracious one to dwell upon. The history of the frauds of 1844 is a dark chapter in our annals. Party profligacy then exhausted its resources in the attainment of its ends.

CHAPTER XX

The War on Mexico.—Financial Policy.—Public Testimonials. —Death of H. Clay, Jr.

At the commencement of the second session of the Twenty-eighth Congress (December, 1844), the Acting President, Mr. Tyler, officially announced to the two houses that "a controlling majority of the people, and a large majority of the States," had declared in favor of the immediate annexation of Texas. "Instructions," he added, "have thus come to both branches of Congress from their respective constituents, in terms the most emphatic. It is the will of both the people and the States, that Texas shall be annexed to the Union, promptly and immediately." He remarked further: "The two governments having already agreed, through their respective organs, on the terms of annexation, I would recommend their adoption by Congress, in the form of a joint resolution, or act, to be perfected and made binding on the two countries, when adopted in like manner by the government of Texas."

The subject of annexation was soon taken up in Congress and discussed with great zeal on both sides; and, finally, after the public mind had been intensely agitated in regard to it, the recommendation of Mr. Tyler was adopted; and early in March,

1845, a joint resolution for annexing Texas was passed and approved. The proposition was accepted by Texas, through her Congress and a convention; and the annexation project was complete. The incidents which followed may be briefly summed up. Mr. Polk was no sooner seated in the presidential chair, than the consequences, which Mr. Clay had predicted, and Mexico had threatened, began to develop themselves. The Texas we annexed was "revolutionary Texas." There was, moreover, a disputed boundary between her and Mexico. In anticipation of the refusal of Mexico to receive our minister, Mr. Slidell, the administration gave directions to General Taylor to take position on the west bank of the Rio Grande. Congress was in session at the time; but Mr. Polk did not see fit to consult Congress in regard to measures which must necessarily lead to a collision between the two countries. It was only by rumors and reports that our representatives knew that those measures were maturing until the war burst forth, and the work of blood commenced in earnest. The territory into which the President, of his own caprice, had thus ordered our troops, was one to which neither Texas nor the United States had any just claim—a territory in possession of a nation with which we were at peace!

The Twenty-ninth Congress, the first which met under the administration of Mr. Polk, found the country prosperous and contented. Under the equitable tariff of 1842, domestic industry, in all its branches, received a wholesome measure of protection and encouragement. Our exports and imports

exhibited neither an undue expansion nor a contraction indicative of a public financial decline. The revenue of the country was steady, ample, and reliable; and the public debt which Mr. Van Buren's administration had originated and fostered, was diminishing at the rate of millions annually.

Undeterred by this spectacle of prosperity and harmony, the administration laid its profane hands upon the tariff of 1842. In its stead they gave us that of 1846. By this substitute, there is actual discrimination *against* portions of the labor of the United States, and in favor of that of foreign countries. Owing to extraordinary causes, among which the famine in Europe and the war with Mexico are prominent, we have not yet fully realized the legitimate consequences of this disastrous retrograde movement in the policy of the country.

The only class benefited by its operations were the office-holders and the favored financiers of the government.

To enumerate all that Mr. Polk's administration has left undone, which it ought to have done, had the best interests of the country been consulted, would be but to capitulate many of those objects of policy which the public career of Mr. Clay exhibits him as contending for.

The consequences of his non-election to the presidency have been—an unrighteous and demoralizing war; the abrogation of a tariff under which the country was thriving beyond all precedent; and the establishment of a sub-treasury: for all which, in the language of the " ancient mariner " of Coleridge, we—

"Penance much have done,
And penance more must do."

We have seen that neither the untoward issue of the presidential contest of 1844, nor the shades of Ashland, could remove Mr. Clay from before the public eye. Though not President of the United States, though dispensing no patronage, and holding no power of promotion, he yet exercised a moral sway over his countrymen which station could never give, nor the removal of it take away. Though not Chief Magistrate, he was still chief citizen of the republic; and though he could not bestow lucrative posts and profitable jobs, he could communicate what was far better—high convictions of public duty, generous views of public policy, and great truths, which his past acts and present opinions commended to every patriotic mind.

In the spring of 1845, Mr. Clay met with a substantial, and, at the same time, a most touching and signal proof of the estimation in which he is held. A number of friends, residing in the Eastern States, having learned indirectly that a considerable portion of his entire property was about to be swept away to pay the notes of one of his family connection, on which he was endorser, quietly raised the sum of fifty thousand dollars, and paid the notes at the bank in which they were deposited. The first intimation which he had of the movement was the reception of his cancelled obligation; and not a name was disclosed of the individuals who had had any agency in the transaction.

In the autumn of 1845, the working gold and

silver artificers of the city of New York presented Mr. Clay a silver vase three feet high, neatly and elaborately chased, and bearing a complimentary inscription. Its value was a thousand dollars.

In November, 1846, a magnificent vase was presented to Mr. Clay by the ladies of Tennessee.

Engaged in legal and agricultural pursuits, receiving continued testimonals of the esteem and gratitude of his countrymen, and making occasional excursions, Mr. Clay passed the greater portion of the two years which succeeded the contest of 1844.

Mr. Clay passed a good part of the winter and spring of 1846 in New Orleans, whither he had been called by professional business. An attempt was made, the succeeding winter, to induce Mr. Clay to accept an election to the United States Senate, to fill the vacancy occasioned by the retirement of Mr. Morehead, whose term was to expire the next 4th of March; but Mr. Clay peremptorily declined the honor. He was again in New Orleans the succeeding winter.

The war with Mexico was, in its results, as honorable to the army of the United States, as, in its origin it was disgraceful to the administrations of Messrs. Tyler and Polk. The series of brilliant successes achieved under Generals Taylor and Scott—the rapidly succeeding victories of Palo Alto, Resaca de la Palma, Monterey, Buena Vista, Cerro Gordo, Churubusco, and Chepultepec—are unparalleled in the history of modern warfare, in the numerical inferiority of the forces by which vast numbers were overcome.

It was with heavy forebodings that Mr. Clay left New Orleans. Our gallant army under Taylor was known to be in a situation of great peril, surrounded by overwhelming numbers of the enemy, and depending solely upon the personal courage of the officers and men, united to the intrepidity and sagacity of their revered general, for its safety. Mr. Clay's son Henry had quitted the practice of the law, and hastened to join the standard of his country in Mexico, early in the contest, and was now with Taylor at Buena Vista. This generous-spirited young man was born in 1811. Having graduated with high honors at West Point Academy, he had studied law, married, travelled awhile in Europe, and returned to Kentucky, to serve his country on the battlefield when the occasion invited.

As Mr. Clay was leaving Frankfort for Ashland, he received the melancholy intelligence of the death of his son. The paper containing the news was handed to him by a friend, and he carefully read it until he came to the sad announcement. Then he trembled like an aspen, but uttered no word, save a command to the driver to move on. "Amid all the clustering honors of his elevated career," says a writer of the day, "Mr. Clay has been a man of sorrows. The affections of his home have been great as his own heart, and have yearned over his children with an intensity of love which only noble natures know. But—

"Affliction seemed enamoured of his parts;"

death has been busy about his hearthstone; and one

by one he has seen many of those who so proudly claimed him as father or grandsire, taken from him. Their heritage of love devolved upon the survivors; and his son, who bore his name and shared his virtues, was the pride and glory of his honored old age. But his country demanded that son."

"My life has been full of domestic afflictions, but this last is one of the severest among them," wrote Mr. Clay to a friend soon after the news of the fall of his son.

An interesting event transpired at Ashland, during the summer of 1847. It can best be told in the language of an eyewitness, under date of June 25th:—

When the weather permitted it, living as he does a mile and a half from church, Mr. Clay has always been a regular attendant on its services; and for two or three years past, having had more leisure from public duty, his attention had evidently been turned to the high considerations connected with things spiritual and eternal—his life having been devoted so intensely to the good of others, as scarcely, until this period of retirement, to leave him an opportunity to think of himself. But he has at length consecrated his great powers to God. He was baptized in the little parlor at Ashland, on Tuesday, the 22d instant, together with one of his daughters-in-law (the other being already a member of the church) and her four children, by the Rev. Edward F. Berkley, rector of Christ church, Lexington. The baptism was administered privately, for the reason that the congregation of Christ church are replacing their old church with a new edifice, now in rapid progress of erection, and are not suitably situated for the most solemn and decent administration of this rite in public.

CHAPTER XXI

Speech on the Mexican War.

In every important engagement in Mexico our armies had been successful. The victory of Buena-Vista had been a fitting climax to the military operations of Taylor; and Scott had achieved a new conquest of Mexico hardly less marvellous than that which Cortez had accomplished centuries before. The city of the Montezumas was occupied by our troops. The fortresses of the country and her principal port were in our possession. Mexico was at our feet; and the question was, "What is to be done with our victory?"

Some were for annexing the whole country. Others were for drawing a line and claiming all inside of it. Some were for despoiling Mexico; and others were for magnanimously abandoning all the fruits of our conquest. At this juncture, the 13th of November, 1847, Mr. Clay, whose views upon the subject had been looked for with solicitude, lifted his voice in behalf of the humane, the honorable, and the politic course. It was at Lexington that his speech on the Mexican war was delivered. An immense concourse of citizens was present to hear him.

After a pleasant opening, some reference to his own advancing years, some reflections upon war in general, and a statement of those views in regard to

the origin and causes of this war and which the reader of his life is already familiar, Mr. Clay came to the consideration of the question, how was it to be brought to a satisfactory close? The mode which he indicated was, that Congress, inasmuch as it had the right, either at the beginning or during the prosecution of any war, to decide the objects and purposes for which it was proclaimed, or for which it ought to be continued, should, by some deliberate and authentic act, declare for what objects the existing war should be prosecuted. He supposed the President would not hesitate to regulate his conduct by the pronounced will of Congress, and to employ the force and the diplomatic power of the nation to execute that will. But, if the President should decline or refuse to do so, and, in the contempt of the supreme authority of Congress, should persevere in waging the war, for other objects than those proclaimed by Congress, then it would be the imperative duty of that body to vindicate its authority by the most stringent, and effectual, and appropriate measures. And if, on the contrary, the enemy should refuse to conclude a treaty, containing stipulations securing the objects designated by Congress, it would become the duty of the whole Government to prosecute the war with all the national energy, until those objects were attained by a treaty of peace. There could be no insuperable difficulty in Congress making such an authoritative declaration. Let it resolve, simply, that the war should or should not be a war of conquest; and, if a war of conquest, what was to be conquered.

To the project of annexation Mr. Clay expressed his decided hostility; upon the question of the extension of the system of negro slavery over newly acquired territory, Mr. Clay spoke with that same ingenuousness which characterized his views on the slavery question, when, nearly fifty years ago in Kentucky, he declared his belief that the proportion of slaves in comparison with the whites was so inconsiderable, that a system of gradual emancipation, that would ultimately eradicate the evil, might be safely adopted. That system differed from the plan of immediate abolition for which the abolition party of the present day contend. That party had done incalculable mischief even to the very cause which they espoused, to say nothing of the discord which they had produced between different parts of the country. Mr. Clay then alluded to the efforts of the American Colonization Society, of which he had been one of the principal founders. He then continued:

"It may be argued that, in admitting the injustice of slavery, I admit the necessity of an instantaneous reparation of that injustice. Unfortunately, however, it is not always safe, practicable, or possible, in the great movements of states and public affairs of nations, to remedy or repair the infliction of previous injustice. In the inception of it, we may oppose and denounce it, by our most strenuous exertions, but, after its consummation, there is often no other alternative left us but to deplore its perpetration, and to acquiesce, as the only alternative, in its existence, as a less evil than the frightful consequences which might ensue from the vain endeavor to repair it. Slavery is one of those unfortunate instances. The evil of it was inflicted upon us, by the parent-country of Great Britain, against all the entreaties and remonstrances of the colonies. And here it is

among and amid us, and we must dispose of it as best we can under all the circumstances which surround us. It continued, by the importation of slaves from Africa, in spite of colonial resistance, for a period of more than a century and a half, and it may require an equal or longer lapse of time before our country is entirely rid of the evil. And, in the meantime, moderation, prudence, and discretion, among ourselves, and the blessings of Providence, may be all necessary to accomplish our ultimate deliverance from it."

The sentiments and the policy recommended by Mr. Clay in this practical and eloquent speech were embodied in a series of resolutions, which he read and submitted to the judgment of the meeting, and which were enthusiastically passed.

The promulgation of his sentiments were attended with the happiest effects, not only at home in shaping public opinion, but in Mexico in influencing her public men in the adoption of temperate and pacific counsels. "It is hardly possible," wrote one of the journalists of the day, "to overestimate the importance of this step."

CHAPTER XXII

Colonization.—Civic Receptions.

EARLY in the congressional session of 1847-48, Mr. Clay was carried by professional business to Washington. His reception there was brilliant and hearty beyond measure. He had declined all public testimonials, but he could not evade the greetings which the people rose as one man to extend. "Mr. Clay's personal popularity suffers no abatement," writes one. "He cannot move without having a throng at his heels. He lives in an atmosphere of hurrahs." He spoke at a meeting of the American Colonization Society in January, 1848, in the hall of the House of Representatives.

The speech before the Colonization Society was followed, on the 11th of February, 1848, by his appearance in the Supreme Court room as one of the counsel in the case of William Houston and others *versus* the City Bank of New Orleans. "At an early hour," says a correspondent, "the avenues leading to the Capitol were thronged with crowds of the aged and young, the beautiful and gay, all anxious to hear—perhaps for the last time—the voice of the sage of Ashland. On no former occasion was the Supreme Court so densely packed—every inch of space was occupied, even to the lobbies leading to

the Senate. Mr. Clay rose a few minutes after eleven o'clock, the hour at which the court is organized. It has been often said, and truly, that he never was and never could be reported successfully. His magic manner, the captivating tones of his voice, and a natural grace, singular in its influence and peculiarly his own, can never be transferred to paper. To realize their charms, he must be seen and heard.

The fourth Monday in May, and the 7th of June, having been fixed upon by the administration party and the Whigs respectively for their conventions for the nomination of presidential candidates, meetings began to be held throughout the country, at which strong preferences for Mr. Clay were enthusiastically expressed. Many good Whigs thought it more expedient to put up General Taylor, and discussions, which the future only could decide, were entered upon, generally with candor and in a good spirit. New York proclaimed herself for Clay in a mass meeting at Castle Garden, believed to be not less than ten thousand strong. "But its numbers," said the *Tribune*, "vast as they were were but a single element of this immense meeting. In character, intelligence, order, and dignity, we doubt whether an assemblage more deserving of respect, was ever seen. Although the deep and ardent enthusiasm for Clay would frequently burst out in cheers like thunderpeals, especially at every allusion to our great leader's name, yet no word (that *we* heard) was uttered, or sentiment evinced, disrespectful to his rivals."

It is impracticable, of course, to reproduce the full

accounts of civic receptions innumerable which were extended to Henry Clay, but a tour at this time was so characteristic of the peculiar affection the people seemed to feel for this man, that some memories of it should be retained. He went by way of Philadelphia to New York. A steamboat—the C. Vanderbilt—was sent to meet him at Amboy. The Philadelphia committee transferred their guest to the New York committee, and their chairman, Morton MacMichael, said:

"The whole people of Philadelphia, animated by one common impulse of affection, poured forth into the streets, thronged the roofs and windows of the houses, till they presented such a spectacle as was never seen before. 'So it was the next day, so it was all the days that he was among us. So constant, so tireless, so enthusiastic, were the well-meant kindnesses of our people, that I for one was afraid that the object of them would be totally overwhelmed and exhausted. Those overflowing marks of love were such, indeed, as few but Henry Clay could have elicited: nay, they were such as hardly any, save himself, could have endured. They came, too, from deeper feelings than party motives: they sprang from those beautiful instincts of our spiritual nature, which prompt admiration for whatever is truly great, and noble, and exalted in man! They showed that men love and reverence those who lift themselves above the meanness and narrowness to which less gifted and elevated natures are prone, and showed that in so doing, all must deeply and truly love and reverence Henry Clay. Yes, reverence him as one whose tongue was never tainted with falsehood, nor his soul stained with shame!

"'Nor was it the members of his own party alone who thus arose to do him honor, but the members of all parties. All looked to him—all turned to him—all were irresistibly drawn to him, as to one before whom Nature herself could stand up and say to all the world, "This is a MAN!"'"

When at last the party reached Castle Garden, an impressive spectacle presented itself. The whole of

that vast area was filled with people, waiting with impatience for his arrival. As soon as he entered, he was greeted by deafening cheers, which were repeated until it seemed as if the people would not have done with these proofs of their affection for their distinguished visitor. At last silence was restored, when the speeches began. Among the words of Mr. Clay were these:

"My arrival here to-day has been signalized by the discharge of cannon, by the display of flags, by the sound of gay and exulting music, and by the shouts and cheers of an affectionate multitude directed toward myself. I am proud and thankful for those evidences of regard, and of value, for the humble services of an individual whom you esteem far too highly. But, sir, these testimonies offered to the living, could not fail to remind me of the just honors about to be paid to the dead. To-morrow's sun will rise upon another and a different spectacle than that which it to-day beholds, as the venerable remains of the illustrious ex-president of the United States reach this city. [John Quincy Adams, who had died February 22d.] Then, instead of the cheers of joy and gladness which have been uttered upon this occasion, there will be the still expression of solemn and saddened feeling. As I contemplate the scene which will be presented on that anticipated arrival, as I recollect the signal services and glorious career of the great departed, and the position to which he now has passed—a position which awaits us all—I am moved to suppress the feelings of grateful joy which would otherwise overflow within me on an occasion so honorable to myself. Ought not the contrast between this day's performances—between the joy and gladness this day manifested on the arrival of an humble individual, whose efforts in our country's behalf you much too highly appreciate, and the ceremonies which will follow to-morrow, to make a deep impression on our minds? Ought they not for the few day remaining to us to moderate the unworthy impulses which most men bring into the strife of existence—to repress and diminish the violence of party contests, and the heat and acrimony of party feeling, for the brief space which intervenes between the present moment and

that moment near at hand when we shall be all laid low in the narrow house which our venerable and pure-hearted patriot now occupies?

"I hope, Mr. Mayor, that we may profit by this contrast, and hereafter entertain less of that embittered feeling which too often urges us, that we may restrain our ardor in the pursuit of cherished objects in the sense of responsibility which we ought to cherish toward the Governor of all, and in the expectation of that moment which must sooner or later bring us all to the dust.

"Mr. Mayor, I could not pass by this topic, thus suggested to me. And now, sir, will you permit me to thank yourself and the public authorities of the people of this city, for this splendid reception, and for the kindness and liberal hospitality which you have authorized me to expect at your hands?"

Mr. Clay concluded, with loud applause from the assembled multitude, by whom he had also been frequently interrupted in the course of his remarks.

The procession was then formed at the Battery, and moved up through Broadway in the appointed order, amid the cheers of the almost impassable mass who had assembled from one end of the street to the other, on this beautiful afternoon, to do honor to Henry Clay.

The *Tribune,* in speaking of his visit to New York, says: "Mr. Clay has been with us five days, and through the whole time has received such tokens of deep respect and enthusiastic attachment, as no man but himself could have elicited. We now see how firmly he stands in the affections, not of a few persons, or of any particular class, but of the whole people. If there were any doubt before, the fact is now undeniable, that no man lives who is so truly beloved, revered, and trusted, by the people of this city, as Henry Clay."

CHAPTER XXIII

Mr. Clay as a Lawyer and as a Man.

Of such paramount interest have been the details of Mr. Clay's public career, that we have but little room to bestow upon his private and professional history, honorable as it has been to him. We have alluded to his early successes at the bar, but space fails us in the attempt to supply even an imperfect sketch of his numerous triumphant efforts in the sphere of his profession—efforts which have not failed in brilliancy and success with the arrival of his threescore and tenth year.

Owing to the more popular character of his political labors, he has not enjoyed, out of the boundary of the Supreme Court, half the reputation which was his due as a jurist of extensive attainments and profound ability. But the writer has been assured by the late Mr. Justice Story, that Mr. Clay was regarded by Chief Justice Marshall as second in these respects to no lawyer in the country. His arguments always evinced great reflection, and oftentimes extensive legal erudition; and his appeals were of that generous and elevated character, which rejects every aid of a narrow or *pettifogging* cast.

Mr. Clay is now (1848) in his seventy-first year, and, notwithstanding his varied and arduous labors,

tasking his mental and physical powers to an extraordinary degree, and the several periods of dangerous illness to which he has been subject, he bears in his personal appearance the promise of a vigorous, healthful and protracted old age. In stature he is tall, sinewy, erect, and commanding, with finely formed limbs, and a frame capable of much endurance. From his features, you might at first infer that he was a hardy backwoodsman, who had been accustomed rather to the privations and trials of a frontier life, than to the arena of debate and the diplomatic table. But when you meet his full, clear gray eye, you see in its flashes the conscious power of a well-trained and panoplied intellect, as well as the glance of an intrepid soul. Its lustre gives animation to the whole countenance, and its varying expression faithfully interprets the emotions and sentiments of the orator. Much of the charm of his speaking lies in his clear, rotund, and indescribably melodious voice, which is of wide compass and as distinct in its low as in its high tones. The effect of it when a passion is to be portrayed or a feeling of pathos aroused is like that of a rich instrument upon the ear.

Nothing could be more felicitous than Mr. Clay's personal manners and address. They convey to every one the conviction that he is a true man—that there is no *sham* about him and his professions. Frank, affable, natural, and communicative, he was without assumption, as much at home among European potentates as among his own constituents at a barbecue. His perfect self-possession and repose

of manner spring, not so much from long intercourse with the world and with society, as from that indigenous democratic instinct, that true nobleness of character, which looks unaffectedly to the inward man solely, and not to the outside insignia with which he may be decorated.

Never was public man so personally popular in the United States. "The true source of his extraordinary influence," says a writer of the day, "is to be found in that most potent of all human influences, *a true and ready sympathy*. There are no barriers between his heart and the hearts of others. Bring them in contact, and the efflux of his kindly feeling is instantaneous. Instead of sullenly wrapping himself in the thoughts of *self*, he thinks of *others*. His thoughts become their thoughts, and their thoughts become his thoughts. An interchange of kindly feeling becomes spontaneous and immediate. Mr. Clay is not only a strong man in himself, but he possesses the ability to command and carry with him all human agencies and influences which come within the sphere of his action."

In his integrity and uprightness of character, no one who was ever brought in contact with him, could fail to place the most implicit reliance. "He is an honest man," says one, who knows him well; "he is a fair-dealing man; he is a true man; he is a man who believes in his own principles, who follows his own convictions, who avows his own sentiments and acts on them, who never deserted a friend, who was never deterred from his purpose, who was never seduced from what he undertook to do. He is a man

of *faith,* in the largest sense of that word. No man has ever been more severely tried in public life in this country; and no man ever exhibited a more sublime manhood in all his great and repeated exhibitions of that noblest of all qualities in a public man—trustworthiness. The nation may rely on him that he is what he is, and that he will do what he says he will do."

"In our opinion, the most remarkable mental endowment of Mr. Clay is his *common sense.* He is the most sagacious public man this country has produced, except Benjamin Franklin. His knowledge of affairs seems rather intuitive than the result of experience. We have heard him deliver some of his greatest speeches. We have read them all. His fame as an orator is world-wide. But what is the oratory of those great discourses? No flowers of rhetoric adorn them; no vast fund of acquired erudition enriches them. Mr. Clay hardly ever quotes from books. No elaborate argumentation. What then? The grandeur of an intellect that seems to perceive truth intuitively, united to a pathos as fervent as that of Demosthenes: this is the man, full of spirit, full of sense."

In his tastes and habits of life, Mr. Clay is remarkably simple and unostentatious. He is an early riser, and methodical and industrious in the disposition of his time. His punctuality is proverbial. He is quite as noted as Washington was for his good quality; which we generally find in the greatest perfection with those who have the greatest consideration for others.

It is with Mr. Clay's public history that we have mainly to deal. The legislative annals of the nation are the sources from which it may be devised There it stands amply and immutably recorded, through a period of more than forty years. From those magnificent quarries of the past, the materials will be drawn for a monument more perennial than marble or brass. Never were the views of a public man upon all questions of public policy more ingenuously and unequivocally expressed—more clearly and broadly defined.

Such a man is Henry Clay! And in no public act of his life does he seem to have been actuated by other than pure and patriotic motives. "I WOULD RATHER BE RIGHT THAN BE PRESIDENT." In that expression we have a key to his conduct from the moment he first entered the national councils; and in that expression we have an earnest of the single-heartedness of purpose with which the affairs of the country would be conducted under his administration. But the presidency could not add to his fame. The wonder of the wise and the good that he was *not* President, would speak louder in his behalf, and be a prouder tribute to his worth, than their exultation at his success.

NEW YORK, *May*, 1848.

END OF SARGENT'S LIFE OF CLAY.

CHAPTER XXIV *

The Presidential Contest of 1848.

Mr. Clay's name, in connection with the presidency was again presented to the Whig National Convention which met at Philadelphia, in June, 1848. It is due to his unchanging friends that the grounds on which they urged his nomination at this time should be fairly set forth.

He was the very man, confessedly, whom nine-tenths of the Whigs of the whole Union preferred to all other men for President. His Genius, his Talents, his Eloquence, his Patriotism, and, in the better sense, his popularity, had for twenty years rendered him the practical and conceded champion and master-spirit of the Whig party, of which he might without extravagance have been termed the creating life, the animating soul. If the question had been, "Whom do the Whigs *desire* to elect President?" it was already most emphatically decided. No one pretended to doubt that the first choice of an immense majority of the Whigs was Henry Clay.

The first question, then, for practical consideration was this—Can Mr. Clay be elected? Is the Whig party strong enough, in and of itself, to nominate

* For this chapter, and all that follows it, the reader will hold the Editor [H. G.] solely responsible.

the man of its choice with a reasonable probability of electing him?

Mr. Clay, it was notorious, had been repeatedly beaten; but only once when he was sustained by the full strength of the Whig party. The scrub race of 1824 had only demonstrated one thing—the hostility of the people to the abuses and corruptions of congressional caucuses. All beyond this was accidental —fortuitous. In 1832, the Anti-Jackson strength was divided by Anti-Masonry, which abstracted from Mr. Clay the votes of several States which he would otherwise have carried. And in 1844, Mr. Clay was barely beaten by unscrupulous misrepresentations and by the atrocious frauds and illegal votings, whereof the Plaquemine canvass in Louisiana afforded the most conspicuous illustration. That a majority of the legal voters of New York and Louisiana cast their ballots for Mr. Clay, in 1844, is morally, though not legally, demonstrable. That a majority of those of Pennsylvania *would* have done so had they not been deceived and misled, is also palpable. The votes of these States, added to those actually thrown for Mr. Clay, would have given him nearly two-thirds of the entire Electoral body, and rendered his election more triumphant than was that of Mr. Polk. Yet in no canvass were Whig principles ever more plainly and thoroughly proclaimed, nor more absolutely relied on, than in that of 1844, by the supporters of Mr. Clay.

But the friends of Mr. Clay cherished serious objections, moreover, to the support of General Taylor, his leading competitor for the nomination, in view

of the circumstances under which his name was presented. That General Taylor was an honest, brave, humane patriot and soldier, they were not inclined to doubt; but his life had been mainly spent in camps and forts on the frontier at or beyond the outskirts of civilization; so that he was confessedly ignorant, to a remarkable degree, of the great questions of public policy which for a generation had convulsed the country. He had never voted at any election, and no one could say when or where, prior to the suggestion of his name for the Presidency, he had evinced any decided interest in, or even familiarity with, those great beneficent principles and measures for which the Whigs had so patiently and resolutely struggled. To nominate him for President, therefore, in view of his no-party professions and the corresponding impulses which first designated him as a candidate, seemed to many of the Old Guard like abandoning the great purposes of our organization as a party, and advertising the world that we cared more for grasping the offices than for advancing our principles. Such considerations made the thought of surrendering Mr. Clay for any other candidate, but especially General Taylor, exceedingly distasteful to a large proportion of the most zealous, intelligent, and devoted Whigs.

On the other hand, it was urged—True, General Taylor is not a statesman of the same grade with Mr. Clay; but he is an honest, patriotic Whig, who will hear and heed advice from all those whom a Whig President *should* heed—he is eminently a man of strong common sense, of popular sympathies, of liberal views, and immensely popular with all those

who are but loosely or not at all attached to any party. He is already the declared and accepted candidate of these; his nomination will be generally hailed as an omen and forerunner of triumph; and his election will do much to calm the effervescence and assuage the bitterness of party spirit, restoring, in good degree, the golden eras of Washington and Monroe.

These considerations ultimately prevailed, and General Zachary Taylor was declared the Whig candidate for President.

The contest, though much closer than the more ardent friends of General Taylor had predicted, resulted in his election, and on the 4th of March, 1849, Zachary Taylor, of Louisiana, was inaugurated as President, and Millard Fillmore, of New York, as Vice-President for the ensuing four years.

During 1849, the people of Kentucky elected and held a Convention to revise their State Constitution. In view of the election, Mr. Clay addressed them a long and able letter, temperately setting forth his reasons for desiring that a plan of Gradual Emancipation and Colonization should be adopted. His views were overruled by a large majority; but their utterance is none the less creditable to their author.

General Taylor, having been elected President in November, 1848, but not yet inaugurated, Mr. Clay, on the assembling of the new Kentucky Legislature, in December, 1848, was again chosen a Senator of the United States for a full term of six years from the 4th of March, 1849. His election was unanimous.

CHAPTER XXV

Texas Annexation and Boundary.—Slavery Extension.

THE struggle for the Annexation of Texas to our Union was regarded by all discerners as marking a new era in the history of this country. From the moment the project was adopted by John Tyler as a last desperate expedient for the prolongation of his power, a perilous sectional excitement was inevitable. His Secretary of State, John C. Calhoun, in officially explaining and justifying the course of the Executive in acceding to Annexation, expressly based it on a lively apprehension that the existence and perpetuity of slavery in the Union might be endangered by its abolition in Texas, which he deemed likely to be brought about by some arrangement between that country, should it remain independent, and Great Britain. General James Hamilton, of South Carolina, toasted Annexation as a measure calculated to give "a Gibraltar to the South." Every vehement advocate of slavery as "a corner-stone of our republican edifice," became instinctively a champion of Annexation; every slave-trader at once prepared to forget, or to sink, all party differences in its favor; and, long before the country had been fully aroused to the true nature and magnitude of the issue, a very powerful interest, consisting in part of the stocks, bonds, &c., of Texas, had been concentrated upon

the issue of Annexation, eager to make it override all others.

At the North, on the other hand, a very general aversion to the scheme was entertained. The unpopularity of Tyler, previously emphatic, was increased by this project of Annexation, on which it reflected discredit in turn. Annexation had no avowed friends in the Free States, beyond the three or four hundred persons whom the possession or the hope of spoils still attached to the waning fortunes of Tyler, and the still smaller number who were interested in Texas Stocks and Bonds. And when, by the nomination of Polk and Dallas, the Democratic party was inextricably committed to Annexation, the greater portion of its members in New York and other Free States, under the lead of such men as Silas Wright and B. F. Butler, still proclaimed their invincible hostility to any scheme of Annexation which should inure to the benefit of slavery—to any Annexation which did not guarantee equal advantage to the Free with the Slave States.

These professions were not justified by their subsequent acts—if indeed they could have been without cutting loose from and defying the bands of party. Mr. Polk having been elected as an avowed and unconditioned Annexationist, and thus clothed with immense patronage and power, the triumph of Annexation was inevitable, and the imposition of conditions unpalatable to the great bulk of its supporters and patrons impossible. Feeble efforts to limit or qualify the victory of the Slave Power were made in the House by Richard D. Davis, of New York, and

John P. Hale, of New Hampshire, but with no other effect than that of silencing the former into subserviency, and driving the latter out of the party. Annexation was decreed by joint resolutions of the two Houses, a day or two before Mr. Polk's formal accession to power, upon conditions which secured its whole territory to slavery, and imposed no effectual limitations on the claim of Texas to extend her dominion to the Rio Grande, and thus absorb one-half of the Mexican department of Tamaulipas, a portion of Chihuahua, Coahuila, and nearly the whole vast extent of New Mexico, where the Spanish or Mexican Flag had waved in undisputed supremacy from a period long anterior to the settlement of the Cavaliers at Jamestown, or the landing of the Pilgrims at Plymouth. And Mr. Polk, by ordering the march of a strong detachment of troops to the banks of the Rio Grande opposite Matamoros, evinced a determination to support the utmost claims of Texas with the whole power of the government, and secure to slavery the fullest measure of aggrandizement from its triumph.

Thus was the war with Mexico provoked and commenced; such were the aspects under which it was prosecuted. But when, after a year of unbroken success, the President applied to Congress for three millions of dollars to be used, if advisable, in the negotiation of a peace, it became evident that large acquisitions of territory, even beyond the apocryphal limits of Texas, were meditated; and now, the Northern Democracy, smarting under a sense of the justice of the Whig taunts that, in this whole busi-

ness of Texan Annexation and Mexican War, the blood and treasure of the nation had been lavished for the extension of Slavery, were stirred up to an assertion of independence. When the $3,000,000 proposition aforesaid came up for decision in the House, a hasty consultation was held between the leading Democrats of the North, from which resulted a *Proviso,* moved by Mr. Wilmot of Pennsylvania, and hence designated by his name, declaring that *no territory which might be acquired from Mexico at the close of the war should be opened to the introduction of slaves.* This Proviso was adopted by the House: nearly all the members from the Free States, without distinction of party, sustaining it; but it failed in the Senate, where it was left over unacted on, having been received from the House just previous to the hour fixed for the close of the session of 1847. And though the question was repeatedly revived during the three following sessions, and the principle of the Wilmot Proviso nearly as often reaffirmed by the House, yet it was never concurred in by the Senate, but on several occasions negatived by that body. The short session of 1848-49 was rendered memorable by an earnest and protracted struggle, respecting the organization of the territories acquired by conquest and treaty from Mexico—the House insisting on the interdiction of slavery therein, and the Senate rejecting any such condition. Ultimately, the session closed as it had begun, no Wilmot Proviso having been passed, nor any legal provision made for the civil organization of the territories.

The question of prohibiting slavery in the territories necessarily blended with and embarrassed the settlement of the boundary of Texas. The historical as well as actual Territory of Texas, prior to her Annexation, stopped far short of the Rio Grande, and in fact extended no farther west and south than the Valley of the Nueces; and that it did not extend beyond 34° north, is indisputable.

But when President Polk, by marching our army down to the Rio Grande while our government still professed to maintain amicable relations with Mexico, had clearly assumed that the territorial rights of Texas were coëxtensive with her utmost claims, and Congress had formally asserted that in the conflicts which followed within sight of Matamoros, "American blood" had been shed on "American soil," Texas very naturally insisted that all cavil or hesitation by the Federal Government as to the rightfulness of her claim was precluded, and that its validity was fully admitted and established. Whatever objection to that claim *Mexico* might have offered, the *United States* could interpose none without an impeachment of *their own* integrity and veracity. When, therefore, the whole of New Mexico and the left bank of the lower Rio Grande became by conquest and treaty the territory of the United States, Texas took possession of the latter, and asserted her right to the former as one which the Federal Government could with decency neither gainsay nor resist. And if the party which plunged the country into war on the assumption that Texas extended to the Rio Grande had continued in power, it is not probable that the claim would have been effectually resisted.

The election of General Taylor, however, changed materially the aspects of the case. The Whigs, as a party, had always scouted the territorial claims of Texas as preposterous, and consequently regarded the war on Mexico as originated in fraud and prosecuted in falsehood and iniquity. General Taylor himself was thoroughly convinced that Texas had no more right to New Mexico than to Oregon, and was ready as President to repel force by force, if needful, in resistance to her pretensions. And as Texas, instigated by the propagandists of slavery in other States of the South, proclaimed and evinced a determination to vindicate her claim by the sword, a collision between her authority and that of the Union seemed, through a part of 1850, imminent—a collision in which the active support of Texas by the whole force of the Slave States, and a consequent disruption of the Union, were by many deemed inevitable.

The Democratic party of the Free States, though it had very generally professed to acquiesce in the principle of the Wilmot Proviso, and though many of its leaders in Congress and elsewhere affected great zeal for the preservation of Free Soil from the blighting tread of slavery, manifested no disposition to resist the subjugation of New Mexico to the dominion of slavery under the pretence of organizing it as part of the rightful territory of Texas. Having so recently and so vehemently asserted the justice of the war on Mexico, and of course affirmed the rightfulness of the territorial claims of Texas, the party could not, without palpable and glaring incon-

sistency, resist the acts of Texas in further assertion of those claims and in undeniable accordance therewith. Thus, with nearly the entire South supporting the pretensions of Texas for slavery's sake, and the North divided and paralyzed by the committal of one-half its statesmen and people to those pretensions through their justification of the war on Mexico, there remained no hope of any direct action by Congress looking to the preservation of New Mexico from the doom that threatened her. The danger was great and obvious, that while Congress daily effervesced with Free Soil professions and speeches, and a majority of the House seemed engrossed with anxiety to preserve California and Utah from the very remote and contingent peril of an establishment of slavery therein, New Mexico might be absorbed by Texas, and thus converted into a slavery-sustaining region as large as France, carrying the 'peculiar institution' up to 42° north or nearly the latitude of Boston.

CHAPTER XXVI

The Slavery Compromise of 1850.

Such were the circumstances under which Mr. Clay on the 29th of January, 1850, submitted to the Senate his plan for an adjustment of the differences respecting the organization of the territories and the interdiction of slavery therein. The subject is so important in itself, and has so profoundly affected the subsequent politics of the country, that justice to Mr. Clay seems to require that his original propositions should here be given in full.

The preamble and resolutions are as follows:

It being desirable for the peace, concord, and harmony of the union of these States to settle and adjust amicably all existing questions of controversy between them arising out of the institution of slavery, upon a fair, equitable, and just basis: Therefore

1st. *Resolved*, That California, with suitable boundaries, ought, upon her application, to be admitted as one of the States of this Union, without the imposition by Congress of any restriction in respect to the exclusion or introduction of slavery within those boundaries.

2. *Resolved*, That as slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States from the republic of Mexico, it is inexpedient for Congress to provide by law either for its introduction into or exclusion from any part of the said territory; and that appropriate territorial governments ought to be established by Congress in all of the said territory, not assigned

as the boundaries of the proposed State of California, without the adoption of any restriction or condition on the subject of slavery.

3d. *Resolved,* That the western boundary of the State of Texas ought to be fixed on the Rio del Norte, commencing one marine league from its mouth, and running up that river to the southern line of New Mexico; thence with that line eastwardly, and so continuing in the same direction to the line established between the United States and Spain, excluding any portion of New Mexico, whether lying on the east or west of that river.

4th. *Resolved,* That it be proposed to the State of Texas, that the United States will provide for the payment of all that portion of the legitimate and *bona fide* public debt of that state, contracted prior to its annexation to the United States, and for which the duties on foreign imports were pledged by the said State to its creditors, not exceeding the sum of $——, in consideration of the said dues so pledged having been no longer applicable to that object after the said annexation, but having thenceforward become payable to the United States; and upon the condition also, that the said State of Texas shall, by some solemn and authentic act of her legislature, or of a convention, relinquish to the United States any claim which it has to any part of New Mexico.

5th. *Resolved,* That it is inexpedient to abolish Slavery in the District of Columbia, whilst that institution continues to exist in the State of Maryland, without the consent of that State, without the consent of the people of the District, and without just compensation to the owners of slaves within the District.

6th. *But Resolved,* That it *is* expedient to prohibit within the District the slave-trade, in slaves brought into it from States or places beyond the limits of the District, either to be sold therein as merchandise, or to be transported to other markets without the District of Columbia.

7th. *Resolved,* That more effectual provision ought to be made by law, according to the requirement of the Constitution, for the restitution and delivery of persons bound to service or labor in any State who may escape into any other State or Territory in the Union.

And 8th. *Resolved,* That Congress has no power to prohibit or obstruct the trade in slaves between the slaveholding States; but that the admission or exclusion of slaves brought from one into another of them depends exclusively upon their own particular laws.

The careful reader cannot fail to perceive that Mr. Clay's propositions, though couched in language inoffensive to the pride of the South, were calculated and intended to exclude slavery from all the territory acquired from Mexico by treaty. In authoritatively affirming that the "peculiar institution" had no legal foothold in that territory, it effectually precluded its establishment therein; since slavery was very unlikely to be established by others than slaveholders, and these could hardly increase and multiply so as to obtain controlling power in a region where slaves could not be legally held. In proposing the extinguishment of whatever claim Texas might be supposed to have to New Mexico, he provided also for the almost certain exclusion of slavery from the latter; since the danger was not that the people of New Mexico, present or future, would legalize slavery, but that the extension of the jurisdiction and laws of Texas, so as to cover this territory, would make New Mexico slaveholding in its own despite, drawing thither slaveholders and slavebreeders, and chaining that vast region evermore to the car of the Slave-Power, as Western Virginia and the mountain region of North Carolina, Georgia, Kentucky, and Tennessee, were chained in defiance of that natural unfitness for profitable slave-culture, which Mr. Webster so forcibly indi-

cated as "the law of God," prohibiting slavery, and needing no reënactment by man.

After long debate the resolutions were made the special order for the following Tuesday, when Mr. Clay addressed the Senate at length in their favor till the adjournment, resuming and concluding his argument on the following day. The debate was continued until on the 11th of March, Mr. Foote of Mississippi, asked unanimous consent to the taking up of a proposition submitted by Mr. Bell, in order to refer it to a committee such as he had already proposed, to consist of thirteen Senators; six each from the slaveholding and non-slaveholding States respectively, and the thirteenth to be chosen by the twelve; said committee to be charged with the duty of maturing some scheme of compromise for the final settlement of all pending questions relating to slavery and the territories. Of this committee, Mr. Clay was unanimously chosen chairman (April 19). Mr. Clay, on the 8th of May, made an elaborate report from a majority of this committee, affirming the propriety and necessity of a compromise and indicating the bases on which it should be effected. These bases were substantially as follows:—

1. The admission of any new State or States formed out of Texas to be postponed until they shall hereafter present themselves to be received into the Union, when it will be the duty of Congress fairly and faithfully to execute the compact with Texas by admitting such new State or States with or without slavery as they shall by their constitutions determine.

2. The admission forthwith of California into the Union, with the boundaries which she has proposed.

"3. The establishment of territorial governments without the Wilmot Proviso for New Mexico and Utah, embracing all the territory recently acquired by the United States from Mexico, not contained in the boundaries of California.

"4. The combination of these two last-mentioned measures in the same bill.

"5. The establishment of the western and northern boundary of Texas, and the exclusion from her jurisdiction of all New Mexico, with the grant to Texas of a pecuniary equivalent; and the section for that purpose to be incorporated into the bill admitting California, and establishing territorial governments for Utah and New Mexico.

"6. More effectual enactments to secure the prompt delivery of persons bound to service or labor in one State, under the laws thereof, who escape into another State. And,

"7. Abstaining from abolishing Slavery; but, under a heavy penalty, prohibiting the Slave-Trade in the District of Columbia."

The committee's propositions differed, as will be seen, from Mr. Clay's original resolutions; first, in affirming the absolute right of any new States which may be formed out of Texas to admission into the Union on the usual terms without regard to the existence or non-existence of slavery therein; and, secondly, in combining the admission of California in the same bill with the organization of the new territories, and the settlement of the boundary of Texas —for this also was included in the Omnibus Bill, though the fact does not appear in the committee's synopsis above given. The Fugitive Slave Law and that prohibiting the slave-trade in the District of Columbia were presented in separate bills. The for-

mer was substantially the bill submitted to the Senate months before by Mr. Mason, of Virginia, as the "Omnibus Bill" was in good part made up of the several bills providing for the admission of California and the organization of the territories which had already been reported by Mr. Douglas from the Territorial Committee. The proposition to pay Texas a sum not then specified, but afterward fixed by Mr. Clay at $10,000,000, for the relinquishment of her claim to New Mexico, was the only portion of the plan of compromise absolutely original with Mr. Clay.

The debate on this important report and the leading bill accompanying it immediately commenced, and engrossed the time of the Senate for nearly three months. More than half the Senators made set speeches thereon. The bill was assailed with equal vigor and resolution from each side of Mason and Dixon's line by Messrs. Seward, Hale, Hamlin, Davis, Baldwin, Dayton, &c., on the part of the North; and by Messrs. Hunter, Mason, Butler, Turney, Yulee, Soulé, Borland, &c., on behalf of the South. Mr. Benton was likewise among its most vigorous and indefatigable opponents—resisting it, however, not on any ground of intrinsic objection to its material provisions, but mainly on that of the incongruity of the various propositions composing it. This was, indeed, the weak point of the measure, and the able tacticians opposing it did not fail to perceive and profit by the fact. The bill was finally killed by an amendment moved by Mr. Dawson, of Georgia, and incautiously assented to by Mr. Clay,

providing, in effect, that until such time as the boundary line between the State of Texas and the territory of the United States be agreed to by the legislature of Texas, the territorial government for New Mexico, authorized by this act, shall not go into operation east of the Rio Grande, nor shall any State be established for New Mexico embracing any territory east of the Rio Grande. This amendment was regarded by many friends of New Mexico who were also friends of the compromise as exposing that territory to be overrun and swallowed up by Texas—the very danger to avert which had been the chief inducement of their assent to the compromise. This amendment having been carried by a vote of 30 to 28, Mr. Pearce, of Maryland, moved the striking out of all that portion of the bill which related to New Mexico which prevailed—Yeas, 33; Nays, 22—and this proved the death-blow of the "Omnibus." The several portions of the bill were now successively stricken out, until there remained only the sections providing for the organization of the Territory of Utah, in which shape it was ordered to a third reading by a vote of 32 to 18. The bill in this shape passed on the 1st of August, and was followed in the course of the session by separate bills providing for the admission of California, the organization of New Mexico with the settlement of the boundary of Texas on a basis which gives Texas far more and secures to New Mexico less territory than did the proposition of Mr. Clay in the Committee of Thirteen, while providing equally with that for the payment of the full $10,000,000 to Texas. The Fugitive Slave Act

and the abolition of the slave-trade in the District, also passed both houses, were approved by the President, and thus became laws of the land. Mr. Clay, however, worn out by his protracted labors and anxiety in leading the defence of the Omnibus bill, left his seat and the city on the 2d of August for a season of repose and medical treatment, and did not return till near the close of the month. Of all the measures originally included in the plan of compromise, there remained to be passed by the Senate only that providing for the abolition of the slave-trade in the District of Columbia, which he heartily supported.

Nothing further of moment occurred, so far as Mr. Clay was concerned, during the session, which was closed by adjournment on the 30th of September, when Mr. Clay returned to his home in Kentucky.

CHAPTER XXVII

The River and Harbor Bill of 1851.

THE Thirty-first Congress commenced its second session on the second day of December, 1850; but Mr. Clay, on whom the weight of years began to press heavily, did not take his seat until the sixteenth of that month. The session was mainly devoted to routine business, in which he took little part, but evinced, on every suitable occasion, a pervading anxiety that the compromise measures of the preceding session should remain undisturbed. His name heads a list of forty-four members of Congress, affixed to a public pledge not to support any opponent of those measures, of whatever party, for any responsible station; and he voted uniformly against taking into consideration any memorials or remonstrances requiring the repeal or modification of any of those measures. It is hardly necessary to add, that a large majority of both houses stood with him on this point.

He also evinced, on various occasions, an anxious, though not importunate, desire for a revision of the tariff of 1846, to the end that more efficient protection might be afforded to our languishing manufactures.

On the 19th of February, the bill "Making Ap-

propriations for the Improvement of certain Harbors and Rivers" was received by the Senate from the House, where it had passed, the day previous, by a vote of 103 to 87. The bill, having thus reached the Senate, was referred to its Committee of Commerce, by which (February 25) it was reported back without amendment.

On the 1st of March—there being but three days of the session remaining—Mr. Badger, of North Carolina, moved the postponement of the previous orders in favor of taking up the River and Harbor Bill. This motion was resisted by various Democratic Senators, all strenuously insisting on giving precedence to various other measures. It was at once made manifest to the Senate, that the current rumor of a "Democratic" caucus having determined that all decisive action on this bill should be staved off for the session, was well founded.

With various amendments and legislative tricks, the minority staved off a vote upon the bill itself for two days of continuous discussion. On the last day of the session Mr. Clay made an "appeal to the justice, to the generosity, to the fairness of the minority, to say whether they will, if they have the power—as I know they have the power—defeat the bill by measures of delay, and procrastination? If they are determined to do it, although such a determination is incompatible with the genius of all free governments, and I should hope, also, incompatible with the sense of propriety which each individual member must feel—if there is a determination upon the part of the minority to defeat the bill, by measures to which they have the power to resort, and they will avow it, for one, as I think it of the utmost importance that great measures connected with the operations and continuance of the Government—measures of appropriation—should be adopted, I will myself vote for the laying this bill upon the table. I hope there will be no

such purpose. I trust that we shall take up the bill and vote upon it; and I implore its friends, if they desire to pass it, to say not one word, but come to the vote upon it."

Mr. Clay paused, but no member of the minority would avow the conspiracy which had really been formed to defeat the bill by talking against time, insidious propositions of amendment, and all manner of side-blows. Although that minority had already wasted many hours in reading old reports and discussing irrelevant propositions with no other purpose than that of preventing any decisive action on the bill, yet they did not scruple to complain of a *want of time* for properly considering this subject, and on that ground demanded that the bill be given up by its friends.

The debate still went on, however, and with more speeches and more amendments, the time was worried away until midnight. That hour afforded a pretext for a new discussion as to the right of the Senate to sit longer, and the validity of its acts in case it should do so, in which another hour was consumed. This interlude closed, as every one knew it must, by the Senate resolving that each Congress has a right to sit and act until noon on the 4th of March, or for two full years from the commencement of its legal powers, but by this time Mr. Clay bending beneath the weight of years and worn out with severe and protracted labor, perceiving that the bill was inevitably lost, had left the Senate for the night. Finally, after dragging on till four o'clock in the morning, and the minority successfully resisting every effort to reach a decisive vote, the bill was

postponed (Yeas 29, Nays 19) to 8 o'clock, in order to take up and pass the appropriation bills.

At the hour of eight, Mr. Clay was in his seat, ready for action, though many younger and stronger men were absent. But so much time was consumed in the passage of the appropriation bills that the River and Harbor bill could not be taken up. It lay dead on the table, having been defeated by the most unscrupulous exercise of the power granted to minorities in legislative bodies for the protection of their right of discussion, with no intent that the will of a majority should thereby be frustrated. And yet, in this case, for the sake of screening three or four Democratic aspirants to the presidency from voting on a measure with regard to which the dogmas of the South and the interests of the West came in direct collision, the precious time of the Senate was recklessly wasted, and other measures of vital importance either wholly defeated, or driven through with a haste which precluded even their reading in the Senate, though millions were voted away with them.

The effort to pass the River and Harbor bill was the last earnest legislative struggle in which Mr. Clay was ever engaged. Though seventy-four years of age and not a member of the committee by which the bill was reported, he took his place naturally, and by sheer force of character, at the head of the majority in that memorable though fruitless struggle. "His eye was not dim, neither was his natural force abated;" and the spectator could not fail to admire the chivalry of nature and gallantry of bearing wherewith he led the charge against the strong

abattis of parliamentary privilege wherewith the minority had so formidably entrenched themselves. Though the Whig party numbered far less than half the Senate, yet on this question a clear majority were constrained to range themselves under his banner; and there was something impressive in the manner wherewith Mr. Clay spoke of " We of the majority " desiring such and such action, and exhorted " you of the minority " to desist from unmanly bush-fighting, and allow the majority to pass the bill. I doubt whether there ever was an intelligent and independent legislative assembly whereof Mr. Clay, being a member, would not in time have won a majority to his side—not, perhaps, in party designation, but in substance and practice. He led because he instinctively perceived and chose the right path, in which the greater number could not choose but follow. And it was well that the last determined effort of the Great Commoner should be made in behalf of that cause which had so warmly enlisted his youthful energies, and in whose advocacy he had first become known to the nation. More than forty years had now elapsed since the then youthful Senator from Kentucky had proposed a deliberate, persistent, and systematic devotion of a portion of the Federal revenues to the beneficent work of internal improvement; and it was fit that the last echo of his trumpet voice should resound through that same chamber in unwavering, undying devotion to that same great and good cause. The stag, long hunted, had returned to his native heath to die; and the baying hounds cowered before the glance of his flashing eye until it closed in death.

CHAPTER XXVIII

Response to Kossuth.—Illness and Death.

Mr. Clay returned to his home on being released from his public duties at Washington, and remained there through the summer, in delicate, though not yet broken, health; enjoying, for him, an unusual measure of quiet, and devoting himself mainly to his family, his rural pursuits, and a serene contemplation of and preparation for the great change now manifestly approaching.

The opening of the second session of the Thirty-second Congress found him again in Washington, but unable to take his seat in the Senate. In fact, none other than a patriot accustomed to think only of his country and his duty would have left home in his state of health for a distant field of arduous public effort.

Four or five weeks afterward, Louis Kossuth visited Washington, in compliance with the official invitation, and in due time paid his respects personally to Mr. Clay, still confined to his sick chamber; when, after the mutual interchange of civilities, Mr. Clay said:—

"I owe you, sir, an apology for not having acceded before to the desire you were kind enough to intimate more than once to see me; but, really, my health has been so feeble that

I did not dare to hazard the excitement of so interesting an interview. Besides, sir (he added, with some pleasantry), your wonderful and fascinating eloquence has mesmerized so large a portion of our people wherever you have gone, and even some of our members of Congress (waving his hand toward the two or three gentlemen who were present), that I feared to come under its influence, lest you might shake my faith in some principles in regard to the foreign policy of this government, which I have long and constantly cherished.

"I trust you will believe me, too, when I tell you that I entertain the liveliest sympathies in every struggle for liberty in Hungary, and in every country, and in this I believe I express the universal sentiment of my countrymen. But, sir, for the sake of my country, you must allow me to protest against the policy you propose to her. Waiving the grave and momentous question of the right of one nation to assume the executive power among nations for the enforcement of international law, or of the right of the United States to dictate to Russia the character of her relations with the nations around her, let us come at once to the practical consideration of the matter."

Then, after showing the impracticability of America's giving "material aid," as of men and munitions of war, to the Hungarian revolution, he concluded:

"By the policy to which we have adhered since the days of Washington, we have prospered beyond precedent—we have done more for the cause of liberty in the world than arms could effect. We have showed to other nations the way to greatness and happiness; and, if we but continue united as one people, and persevere in the policy which our experience has so clearly and triumphantly vindicated, we may in another quarter of a century furnish an example which the reason of the world cannot resist. But if we should involve ourselves in the tangled web of European politics, in a war in which we could effect nothing, and if in that struggle Hungary should go down, and we should go down with her, where then would be the last hope of the friends of freedom throughout the world? Far better is it for ourselves, for Hungary, and for

the cause of liberty, that, adhering to our wise, pacific system, and avoiding the distant wars of Europe, we should keep our lamp burning brightly on this western shore as a light to all nations, than to hazard its utter extinction, amid the ruins of fallen or falling republics in Europe."

This matured and deliberate expression of Mr. Clay's views respecting the course which our government should pursue with regard to European politics was the last counsel which fell from his lips with respect to public affairs.

But higher themes engrossed in larger measure his time and thoughts. Mr. Clay had been through life an undoubting believer in Christian Revelation, whereof his own father had lived and died a minister, while his mother and his wife were lifelong disciples. Mr. Clay's piety was humble and self-distrustful, but his faith was firm and unclouded; and, though his sufferings were severe and protracted, he was resigned to their infliction as the salutary discipline of a spirit which, in bygone years, had contemplated too fondly and engrossingly the fleeting vanities of earth. No hovel, no hospital, enclosed a Christian soul preparing to bid adieu to its tenement of flesh in more entire renunciation of self-righteousness, in more exclusive reliance on the mercy manifested through the world's Redeemer, than that of Henry Clay.

On the 29th of June, at seventeen minutes past eleven o'clock, while no one was apprehending his immediate departure, and when only Governor Jones, of Tennessee, was present, with his son, his host, and his faithful servant, his breathing, which

had gradually grown faint and fainter, entirely ceased. So gentle and tranquil was the change, without convulsion or struggle, that his devoted attendants believed it but a momentary sleep, and bent over him in anxious hope of his speedy return to consciousness. That hope was destined not to be realized; the mighty spirit had thus peacefully abandoned its wasted tenement and soared on wings of light to the mansions of eternal rest.

CHAPTER XXIX

Eulogies in Congress.—Funeral Honors.

THE usual honors, of course, were paid in the two houses of Congress on the announcement of Mr. Clay's death, and when the houses reassembled for the more formal notification and for the eulogies by Senators upon that illustrious Senator and by Representatives upon the man who had had so distinguished a career in the Lower House, many were the eloquent passages and pathetic allusions and ascriptions of lofty praise. Among them all we select a brief address by the Hon. James Brooks, a Representative from New York City, as perhaps the most comprehensive and the most justly descriptive of all these notable eulogies of the great Kentuckian:

"Mr. Speaker, I rise to add my humble tribute to the memory of a great and good man now to be gathered to his fathers. I speak for and from a community, in whose hearts is enshrined the name of him whom we mourn; who, however much Virginia, the land of his birth, or Kentucky, the land of his adoption, may love him, is, if possible, loved where I live yet more. If idolatry had been Christian, or allowable even, he would have been our idol. But, as it is, for a quarter of a century now, his bust, his portrait, or some medal, has been one of our household gods, gracing not alone the saloon, and the halls of wealth, but the humblest room or workshop of almost every mechanic or laborer. Proud monuments of his policy as a statesman, as my colleague has justly said, are all about us, and we owe to him, in a good degree, our

growth, our greatness, our prosperity and happiness, as a people.

"The great field of Henry Clay, Mr. Speaker, has been here, on the floor of this House, and in the other wing of the Capitol. He has held other posts of higher nominal distinction, but they are all eclipsed by the brilliancy of his career as a Congressman. What of glory he has acquired, or what most endears him to his countrymen, have been won here, amid these pillars, under these domes of the Capitol.

"'*Si quæris monumentum circumspice.*'

"The mind of Mr. Clay has been the governing mind of the country, more or less, ever since he has been on the stage of public action. In a minority, or a majority—more, perhaps, even in a minority than in the majority—he seems to have had some commission, divine at it were, to persuade, to convince, to govern other men. His patriotism, his foresight, his grand conceptions, have created measures which the secret fascination of his manners, indoor, or his irresistible eloquence without, have enabled him almost always to frame into laws.

"Adverse Administrations have yielded to him, or been borne down by him, or he has taken them captive as a leader, and carried the country and Congress with him. This power he has wielded now for nearly half a century, with nothing but reason and eloquence to back him. And yet, when he came here, years ago, he came from a then frontier State of this Union, heralded by no loud trumpet of fame, nay, quite unknown, unfortified even by any position, social or pecuniary; to quote his own words, his only 'heritage had been infancy, indigence, and ignorance.'

"In these days, Mr. Speaker, when mere civil qualifications for high public place—when long civil training and practical statesmanship—are held subordinate, a most discouraging prospect would be before our rising young men, were it not for some such names as Lowndes, Crawford, Clinton, Gaston, Calhoun, and Clay, scattered along the pages of our history, as stars or constellations in a cloudless sky. They shine forth, and show us that if the Chief-Magistracy cannot be won by such qualifications, a memory among men can be—a hold

upon posterity as firm, as lustrous—nay, more imperishable. In the Capitolium of Rome there are long rows of marble slabs, on which are recorded the names of the Roman Consuls; but the eye wanders over this wilderness of letters but to light up and to kindle upon some Cato or Cicero. To win such fame, thus unsullied, as Mr. Clay has won, is worth any man's ambition. And how was it won? By courting the shifting gales of popularity? No, never! By truckling to the schemes, the arts, and seductions of the demagogue? Never, never! His hardest battles as a public man—his greatest, most illustrious achievements—have been against, at first, an adverse public opinion. To gain an imperishable name, he has often braved the perishable popularity of the moment. That sort of courage which, in a public man, I deem the highest of all courage; that sort of courage most necessary under our form of government to guide as well as to save a State, Mr. Clay was possessed of—more than any public man I ever knew. Mere physical courage, valuable, indispensable though it be, we share but with the brute—but moral courage, to dare to do right, amid all temptations to do wrong, is, as it seems to me, the very highest species, the noblest heroism, under institutions like ours. 'I had rather be right than be President,' was Mr. Clay's sublime reply when pressed to refrain from some measure that would mar his popularity. These lofty words were a clew to his whole character—the secret of his hold upon the heads as well as hearts of the American people—nay, the key to his immortality.

"Another of the keys, Mr. Speaker, of his universal reputation, was his intense nationality. When taunted but recently, almost within our hearing as it were, on the floor of the Senate, by a Southern Senator, as being a Southern man unfaithful to the South, his indignant but patriotic exclamation was: 'I know no *South*—no North, no East, no West.' The country, the *whole* country, loved, adored, reverenced such a man. The soil of Virginia may be his birthplace: the sod of Kentucky will cover his grave—what was mortal they claim—but the spirit, the soul, the genius of the mighty man, the immortal part, these belong to his country and to his God."

At the funeral services in the Senate-chamber, the

chaplain made a most affecting address. The ritual of the Episcopal Church closed the solemn service, and the body was removed to the Rotunda, that his sorrowing countrymen might gaze upon that face in death which has cheered them so much while living.

The funeral cortège, with the mortal remains of the departed statesman, left Washington by railroad soon after the conclusion of the above services, halting for the night at Baltimore, where the whole people came out to attest by fit observances their affection and sorrow. Thence it proceeded next day, halting briefly at Wilmington, to Philadelphia, where the most impressive honors were paid to the mighty dead by countless thousands. The next day (Saturday) it moved on to New York, halting briefly at the principal villages of New Jersey, where Mr. Clay had ever been most deeply beloved and warmly supported. While it remained in New York, more than thirty thousand persons passed in succession through the Governor's Room to gaze at the closed coffin which shrouded from view the deserted tenement of Genius and Patriotism. On Monday morning the procession departed by steamboat for Albany, and thence took its way, by railroad, through Ithaca, Syracuse, Rochester, to Buffalo, thence by steamboat to Cleveland, by railroad to Cincinnati, and so by Louisville to Lexington, everywhere evoking from the entire community unanimous manifestations of a fond and tender regard for the great and good statesman so ripely called to everlasting rest. Party differences were utterly forgotten; the miserable

calumnies which for a season had clouded the fame of the noblest living American were remembered, if at all, only as deeply disgraceful to their inventors; and the whole American people mingled their tears of fond and grateful sorrow above the urn that enclosed the dust which once was Henry Clay. And thus, his ashes were laid to rest, on Saturday, July 10th, at the city he had early chosen for his home, and among the people who had admired, supported, and loved him with unwavering fidelity through all the storms and calms of more than half a century of eventful public life. There let the marble rise proudly and gracefully above his silent dust; but that will not be his only nor his noblest memorial. Wherever our seamen shall ride out a tempest in safety, protected by the piers and breakwaters of our Atlantic or inland harbors—wherever internal trade shall find a highway opened for it over mountains or through morasses by the engineer's science and the laborer's sturdy arm—wherever Industry shall see its pursuits diversified and its processes perfected through the naturalization among us of new Arts or the diffusion of Manufacturing efficiency—there shall henceforth arise in the hearts of grateful Freemen enduring monuments to the genius, the patriotism, the statesmanship, the beneficence, of our beloved HENRY CLAY.

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